

Braille Monitor



JULY, 1978

VOICE OF THE NATIONAL FEDERATION OF THE BLIND

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THE BRAILLE MONITOR

PUBLICATION OF THE
NATIONAL FEDERATION OF THE BLIND

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IOWA SAYS FAREWELL TO KENNETH JERNIGAN

On May 20 the blind of the nation joined with the blind of Iowa and their friends to mark a major milestone. The occasion was Kenneth Jernigan's departure from Iowa after 20 years and the building of a program for the blind that serves as a model to the world. The event was a testimonial dinner attended by more than 1,000 people, including members of the organized blind movement from 43 states and the District of Columbia. It was a weekend with many aspects and a testimonial dinner with far deeper meaning to those present than such affairs often have.

For the blind of Iowa, who turned out by the hundreds to pay tribute to a man who has personally contributed to their lives, it was a time of sadness. During the past 20 years they have emerged from isolation and stagnation to show the sighted public far beyond the borders of the state just how independent and productive blind people can be given positive attitudes and training geared to participation in life. In the last year they have witnessed a backlash to their progress—a backlash inspired by those with a vested interest in the dependency of the blind, and carried forward in a politically inspired hate campaign by the Des Moines *Register* and *Tribune*, the state's largest newspaper. Yet this backlash itself is evidence of the distance the blind of Iowa have come.

For the sighted friends of the blind in the state, it was a chance to show that, as always, such a backlash is never the whole story. State officials, political leaders, members of the women's clubs who have provided endless hours of volunteer support, and Lions by the dozens were there with testimonials and awards.

For the staff members of the Iowa Commission, past and present, sighted and blind, who have been pilloried in the press for their dedication to the cause of the blind, it was also a time of farewell. But as with the blind of the state, it was a time for

dedication, for committing themselves to rebuilding what has been so callously torn down and maintaining what will never be destroyed: The essential normalcy of the blind, our ability to take our places as first-class citizens, has been established beyond gainsaying.

And finally, the blind of the nation, pouring in from every direction, came to rally to the cause of the Federation and the man who has been identified with that cause for more than half his life. His enemies are our enemies. This cliché has more than the usual validity, since the character assassination that clouded Kenneth Jernigan's last months in Iowa would never have begun if it were not for his willingness to climb atop the barricades and take the fire aimed at us all. For whatever the prophets of doom, the militant custodians, may send at him, Kenneth Jernigan's reputation is sheltered in the hearts of 50,000 of us.

For many of us it was not easy to reach Des Moines. On the one hand there was Tommy Johnson of Georgia who spent a day and a night on a bus, arriving just in time for the dinner. Before the festivities had ended Saturday night, Tommy was back on the bus, facing another 24-hour ride home.

On the other hand, there were the dozens who had plane tickets with United Airlines, the main airline serving Des Moines from both east and west. Sometime prior to this weekend, United had instituted a new "get tough" policy with the blind. We learned about this policy in the usual way. We were not to be consulted (despite our long history of negotiation with United Airlines officials); we were told to accept the policy or face the consequences.

On Friday morning, Federationist Jim Fox, trying to board a plane in Los Angeles, was thrown against a wall, handcuffed, arrested, and dragged away at the direction of a United Airlines security officer—all because he wanted to hold onto his white

cane. At Chicago's O'Hare Airport—which contains United's corporate headquarters—there was very nearly a war.

Chicago is the transfer point for every flight to Des Moines from the East Coast, and United found itself with dozens of blind people coming together from feeder flights to board the planes to Des Moines.

The first of two incredible incidents occurred on a flight carrying Ralph and Judy Sanders, Jim Gashel, Peggy Pinder, Mike Hingson, and—oh yes—Kenneth Jernigan. Also on board was Stanley Neuhauser, one of our NFB lawyers. All but Jim Gashel were seated in a line, three on each side of the aisle, with Judy Sanders in one aisle seat and Stanley Neuhauser in the other. A stewardess came to Judy first and said she had come for the canes. Judy respectfully declined. Judy, during the past year, has been involved in our negotiations with the airlines on this very issue, and she knew well that the Federal Aviation Administration (FAA) rules on canes are vague, leaving the matter in the hands of the airlines ultimately. Finally, Judy said, "You'd better talk to my lawyer," and referred the stewardess to Stanley Neuhauser. (It was a hard day for United Airlines personnel.) As blind air travelers are aware, cane policies vary not only from airline to airline, but from flight to flight on a single airline.

The stewardess was followed by the senior flight attendant, who was followed by the ground supervisor, who was followed by the pilot. All of them maintained that they had no choice—they were following FAA policy. (The substance of this claim and the steps taken and planned by the Federation as a result of these incidents will be discussed in another article in this issue.)

Jim Gashel, sitting some rows ahead of the others, heard Dr. Jernigan calling to him to come join the fray. The seat next to him was occupied by a woman holding on her lap a small infant. The woman asked if he were aware of what was going on, and Jim began to explain the situation to her. She sided with the airline, taking the posi-

tion that the canes were dangerous to other passengers. Jim pointed out that she was holding a potentially deadly projectile on her lap, and unlike the canes, which could be stowed on the floor where they would not fly up during flight turbulence, the baby was not strapped down in any way. (This, by the way, was no exaggeration. This writer was acquainted with a man who was killed on an airplane when his infant granddaughter, who was riding in an unsecured baby seat, flew up into the air when the plane dropped several thousand feet during a storm. The man unbuckled his seatbelt, was thrown up against the cabin roof, and fell dead in the aisle. This happened on a United Airlines plane and resulted in a multi-million-dollar liability suit against United. Yet today, babies ride undisturbed, while blind people are treated as unreasonable militants for keeping their canes with them. In case it needs pointing out, such unequal application of the laws is the essence of discrimination.)

Finally negotiations began. Our folks agreed to stow their canes along the wall of the airplane next to the window if a United official would sign a statement admitting that the policy in question was United's, not the FAA's. It took some time before someone willing to take responsibility for signing anything was found, but eventually the head of United operations at O'Hare arrived, the statement was produced, the canes stowed along the wall, and the plane took off. During the flight itself, however, and after the plane arrived at Des Moines, the pilot used the public address system to turn the other passengers against the blind people who had dared to assert their rights as citizens to equal treatment.

The second incident at O'Hare (actually, there were hassles on nearly every flight from O'Hare to Des Moines) concerned a flight carrying 13 Federationists from Pennsylvania and Massachusetts on to Des Moines. First, in the airport itself, a ground attendant, using the public address system, asked that "all seeing people get out of the

aisles" so a group of blind people could be pre-boarded. He was answered with a "Boo" that, according to Hal Bleakley, could probably be heard in Des Moines.

Once the Federationists were boarded, however, no other passengers were allowed on the plane. Indeed, it was nearly two hours before the rest of the passengers were allowed to board. At one point, United officials discussed unloading the food for the flight, raising the specter that our people would be left in sole possession of the plane. We wondered if United intended to portray the scene as a terrorist take-over of a plane. (This did not happen, but throughout the weekend, United acted with an eye to public relations and ways we could be made to look militant and irrational.) Inside the plane, the same succession of airline officials came onto the plane, each claiming United had no choice but to take the canes. Finally, Charles Irons, president of the NFB of Pennsylvania, and Hal Bleakley agreed that Mr. Bleakley would go to the office of the head of United operations at O'Hare and call Des Moines for advice. He was counseled to give up the canes in exchange for a statement from United that the blind people were being *required* to give up their canes. (United preferred the word "requested," but "required" was the truth of the situation.)

Thus did the weekend begin. This blatant discrimination occurred at airports around the country, and in almost every case—despite the fact that there had been no planning of a response—Federationists resisted. Our spirit was strong; and as we gathered from all over, the meeting took on the flavor of a national convention.

It was like a convention in a number of ways. NFB special interest divisions organized meetings to plan activity for the month before the Baltimore Convention; there was a general meeting chaired by President Sanders to discuss recent events. Jim Omvig reported our progress with the National Association of Insurance Commissioners in developing a model regula-

tion to bar discrimination against the blind in the sale of insurance. Jim Gashel reported on our progress in Congress. (Much of what he discussed will be found in articles elsewhere in this issue.) President Sanders announced that we would sue United Airlines. Other issues were raised and dealt with. Then we adjourned to prepare for the evening ahead.

The Testimonial Dinner

The evening began with a social hour in the lobby of the Hotel Fort Des Moines. We then moved upstairs to fill two large banquet halls. One of the rooms contained the head table and speakers platform; the other room (connected to the first by several open arches) had large closed-circuit television screens in two corners.

The gathering was brought to order by Elwyn Hemken, chairman of the board of the Commission, who noted that we were attending an official Commission for the Blind meeting. He then stated:

"The first item of business will be a dinner and program in honor of our former Director, Dr. Kenneth Jernigan." Mr. Hemken then introduced the master of ceremonies for the evening, Jim Gashel, Chief of the NFB Washington Office.

After an invocation delivered by Lloyd Smith, Auditor of the State of Iowa, we turned to our dinners.

The first speaker of the evening was Commission board member Mrs. Wayne Bonnell, who spoke as follows:

"I have some things that I want to say, and I want to make sure that people recognize the fact that this is an official meeting of the board of the Iowa Commission for the Blind. And I hope that the remarks that I make will become a permanent record in the minutes from this meeting. This is a festive evening, of course; but sometimes we have to do a little serious business, too. And I think what I have to say to you is a matter of great importance.

"Most everybody here knows that there are two papers in Des Moines, the *Des Moines Register* and the *Des Moines Tribune*. It

really might be said there's one paper—a morning edition and an evening edition—but fundamentally, they are the same. We who are familiar with the happenings of the last few months know also that a few of our senators, a few of our blind people whom we have not really been able to serve as they have wanted us to, aided and abetted by some sighted people who have felt this program is not what it should be, have made many complaints. And except for the fact that the *Register* and *Tribune* became the forum for all criticisms, all accusations, all allegations, these things probably would have come to naught because they would have been very easily answered.

"As time went on and at least 100 articles have been printed in the Des Moines *Register* and *Tribune* since November, the knowledge of the charges made against the Commission became so widely known that the Governor of our state, in order to reduce what he said were in most cases frivolous accusations to the sort of thing that they really were, appointed an ad hoc committee. Among the members of this original committee was Dr. Dale Miller, a professor of religion at Drake University.

"In what turned out to be a most unguarded moment, but which for Dr. Miller was merely a statement of fact, he said something to the effect that he really did like the National Federation of the Blind, which is one of the organizations the *Register* has attacked, especially so far as the Commission for the Blind was concerned—its relationship with it. Dr. Miller said he really did like that organization and he believed that he would become a member.

"Well, the *Register* and the *Tribune* with its staff of editors and reporters had by this time become very deeply embroiled in this thing; and immediately pressure began to be exerted that Dr. Miller, of course, was—well, he just wasn't the right person to have on that committee because conflict of interest was beginning to rear its head if he should become a member of the National Federation of the Blind, or apparently, of

any other organization of the blind. So Dr. Miller resigned.

"Now, last Wednesday the ad hoc committee released its preliminary report. It had—or at least, so we had understood—planned not to release the report until the final one was ready, at which time it would give it to the Commission for the Blind and to the Governor. The Governor then would decide whether or not the report was to be released to the press.

"Well, it was released, so all of the members of that committee are now tagged with having had an input into this release.

"Now, the man who was appointed to take Dr. Miller's place on the ad hoc committee is Dr. Richard Lancaster, president of Simpson College. He is a fine educator, the president of a fine college.

"But the thing that I'm wanting to tell you tonight is that Michael Gartner, editor of the Des Moines *Register* and *Tribune*, is a member of the executive council of Simpson College. He is also a member of the board of trustees of that college.

"Mr. [Lester] MacDonald is also a member of the board of trustees. He is or has been editorial chairman of the Des Moines *Register* and *Tribune* and an executive vice-president.

"Also, to add to this, Lester Hill, Jr., an executive vice-president of the Des Moines *Register* and *Tribune* staff, is president of the board of Simpson College.

"Now, the report issued Wednesday to the press gives in its recommended action, over and over again, this phrase: To avoid the appearance of impropriety, the Commission for the Blind should do so and so and so. No illegality, no real conflict of interest, but to avoid the *appearance*.

"Now I think 'appearance' means 'what seems to be.' I say to you tonight that we have here an example of what *is* an impropriety. [Applause and cheers] I am making no attempt to say to you that Dr. Lancaster does not believe and want to act as an unbiased, unprejudiced member of the ad hoc committee. But as I view this, it would be

an impossibility inasmuch as the staff, the chief officers of the Des Moines *Register* and *Tribune*, are the people who pass upon the office of president of the college. And so, it would be very difficult for him, I think, to do anything that would bring down the ill will upon his head of these people.

"It's one thing to say that because one likes something—an organization or a philosophy or a program—it is one thing to say that because one does like it or likes something that has an input into that, that it would be a conflict of interest to look at the program as a whole and to see what it is. It's something else entirely to say that a man can sit impartially on a committee, make a judgment, and at the same time please those who stand over him and say what his policies shall be in the position which he holds, whether it's in the field of education or any other. [Applause]

"Now, I'll tell you my conclusions. You may not agree, but this is the way I feel about it. It is an affront to the chief executive of the State of Iowa; it is an affront to the members of the Commission board whose motives and activities have been assailed; it is an affront to Mr. Jernigan who has given 20 years to build this program to what it is; it is an affront to the entire Commission staff, an affront to all the blind people of Iowa, and to the taxpayers of Iowa that the *Register* and *Tribune* should remain silent so that the Governor of this state, the people involved in it, would have no way of knowing that the Des Moines [*Register* and] *Tribune* is a large contributor to Simpson College, holds influence over the man who heads it, and sets itself up not only as a critic of this Commission, but through the forum of the newspaper it has been the jury, the witness, the judge. It hasn't quite given the verdict, but we're waiting for that.

"And I say to you that there's a lot of difference between an *appearance* of impropriety and an *actual* impropriety, and a grave deal of difference between what *might be* a conflict of interest and what is

a conflict of interest. [Applause]

"Now, the committee has given its preliminary report. Next Friday it is to give its final report. But that is an anticlimax because the press has already written all it can write, actually, from the preliminary [report] that was given to them Wednesday. Dr. Lancaster has had an input into that. There is no possibility of beginning over with this committee, and there is no possibility that Dr. Lancaster's input can be removed from the report. So all I am saying to you is that you make your own judgment. Let the Des Moines *Register* say that I am alleging this. Well, I am not alleging it. I am saying to the Des Moines *Register*, to the staff, and to all of its reporters, that this is not an allegation; it is a matter of fact that I am relating to the people here tonight. Thank you."

A discussion of the facts presented by Mrs. Bonnell appears in an article later in this issue.

The program turned to the presentation of testimonials and the introduction of guests. There were seventeen speakers, seven of whom had plaques for Dr. Jernigan. Master of ceremonies Jim Gashel read a few of the many letters and telegrams sent from around the country by those unable to attend in person. The program was lengthy, which makes it impossible for us to reproduce it in full; but excerpts from several of the presentations will give the tenor of the evening.

The first letter to be read was from Harold Hughes, former Governor and U.S. Senator from Iowa, who wrote in part as follows:

"I first met Ken when I was elected to the Commerce Commission and the Commission for the Blind office was right alongside mine in the old school building that is no longer there.

"Throughout the years, serving as Commissioner, Governor, and Senator, our relationship has been one of constant friendship and constant hope together. Many times Ken was a burr under my saddle, prodding me to do more than I wanted to do in behalf of

the blind; but he was always a light for me to follow and see what men and women could do if they really believed and had the ability and confidence to express themselves and to move ahead.

"Untold thousands of people have benefited by his commitment; and I, for one, want to say thank you to him for the service he rendered to our state, and to our nation, and can only look forward to the rest of his life being more productive and more fruitful than ever in different ways.

"May God bless him and all that he loves and all of you who join together in this expression of appreciation to a man whose commitment exceeds that of almost all men."

The next speaker was Mrs. Dorothy Kirsner, who was chairman of the Iowa Commission for the Blind in 1958 when a search for a new Director resulted in Dr. Jernigan's coming to Iowa from California. She spoke in part as follows:

"I would like to read a very short excerpt from a very long letter. It is dated March 6, 1958, and it reads:

"DEAR MRS. KIRSNER: It is with considerable regret that I write this letter, for it would be most difficult for us to replace Kenneth Jernigan. Outstanding is the only evaluation which we can give to his performance in his present employment. Mr. Jernigan has a vast knowledge of affairs relating to the blind, a thorough understanding of the problems presented by blindness, and an imaginative and bold approach in working out solutions to these problems. His highly imaginative and at the same time practical approach leaves no doubt in my mind that his employment by the Iowa Commission for the Blind will elevate the Iowa program to a position of national distinction.' And it is signed by Allen O. Jenkins, Administrator, Oakland Rehabilitation Center for the Blind.

"Mr. Jenkins' recommendation was an impressive one; and we know now that he was right in all respects. As a member of the Commission for the Blind at that time,

naturally I leaped at the opportunity to have a man of Kenneth Jernigan's capability head our program. We had very little to offer him. We had no services for the blind—to speak of, anyway. A budget of \$27,000, and our salary was far less than he was earning in California. But what we did have to offer was an overwhelming challenge and the willingness to work with him to build the best darn program for the blind in the world. [Applause]

"Kenneth Jernigan was not a stranger to me. We had corresponded for many years. He was the recipient of a book our Braille group reluctantly transcribed for him because of its size. But from the moment we met, there was a mutual sense of trust and faith and respect for one another. He taught me the true value of fighting for one's beliefs, for the right of all blind people to live as equals in a society fraught with inequality. His every waking moment was dedicated to this belief, and he worked unceasingly to make it all a reality.

"The purchase of our present building by the state was the first big step forward. And I remember how we both cried the night it burned, before we could even move in. But there were years of rejoicing afterwards, as we watched the library develop and the program grow to the best in the world. And what exciting days those were! Dr. Jernigan, few men see a challenge and have the determination and will to see their dreams fulfilled during their lifetime. But you are such a man. You are a man of action, a man of destiny, of purpose, who will leave a meaningful mark on the lives of each person you touched. And tonight is your night of triumph. And I, along with all of your close friends and associates, are here to celebrate with you, to mark the culmination of one phase of your life and the beginning of a new one. We shall be forever grateful for your years of service to Iowa."

Next, Jim Gashel read several more telegrams. One was from Iowa's former U.S. Senator, Jack Miller, presently a judge in the United States Court of Customs and Patent Appeals in Washington, D.C., who

wrote: "It is a privilege to join in the tribute that is being given by so many of his friends and admirers for one of Iowa's finest citizens."

A telegram from Federationist Jim Wilows, of Livermore, California, read: "My best wishes to you as you are honored for the fine work you have done in Iowa. I and all blind people owe you so much for showing what services to the blind can be. I wanted to be with you tonight, but I am here serving on a superior court jury. I am consoled in that this jury duty itself testifies to one of your many accomplishments for the blind of our nation. It was not long ago that we, the blind, were barred from such service."

And Federationist Barbara Pierce wrote from London: "Thanks and congratulations on 20 years of trail-blazing. I have drawn steadily on your inspiration and the Commission's accomplishment to [gain] hope for the NFB of the United Kingdom. See you on the barricades in seven weeks."

The next speaker was Mary Louise Smith, former member of the Commission board and past National Chairman of the Republican Party, who spoke in part as follows:

"My rather short term of service on the Commission for the Blind [board] in the early 1960's, during a developmental stage, was truly a learning and growing experience for me. I learned from Ken Jernigan, and I came to have a new appreciation of the problems that face the sightless people of Iowa and the nation. That was a good thing for me because it has carried over into other phases of my life, and I am grateful that our experiences were joined. I think also that all of the people of Iowa gained under these programs a new awareness, a new sensitivity, a new concern for the blind people of Iowa. And when this happens to a state or to a nation, it's a good thing. But, of course, most important of all was what the programs did for the sightless people themselves. There was a new attitude, a new feeling, a new atmosphere, a new hope, a new faith, and a new confidence, a new vitality, and a new enthusiasm for learning

that they could do so many things that they didn't know that they could do before. For all of these things, I applaud and I salute Ken Jernigan, your friend and mine, and I am proud to be here to join in this tribute."

The next presentation was by Duane Gerstenberger, head of the library at the Commission, speaking on behalf of the Commission staff. He said, in part:

"About one year ago, several of us on the staff sat in a meeting with Dr. Jernigan where a gentleman talked to us about personnel evaluation. Early in that meeting he was talking about how Dr. Jernigan might evaluate his subordinates. When that word 'subordinate' was mentioned, those of us in the room, as the poet said, 'look'd at each other with a wild surmise' for two reasons. One, I think probably that was the first time we'd ever heard that word in the building. Two, we wondered how many times the man would say it before Dr. Jernigan would respond to that use of the term.

"I didn't count, but I think after about the third or fourth time he talked in terms of Commission staff being Mr. Jernigan's subordinates, Dr. Jernigan, with great patience and real kindness in his voice, interrupted and said, 'We'd really prefer that you didn't use that word when you talk with us about personnel.'"

"The Des Moines *Register* and *Tribune* in several of its broadsides referred to a number of Commission staff as Jernigan subordinates. We resented that bitterly, not out of our own petulance, not out of any sense of pride or arrogance as to who we are, but what it says by implication about Dr. Jernigan. He did not call us his subordinates; he did not regard us as his subordinates. He treated us as friends; he treated us as colleagues. We regarded him as our friend and regarded him as our colleague—and certainly I shouldn't use the past tense; we still do. [Applause]

"More reflective of the relationship between Dr. Jernigan and those of us on the staff, I think, is the plaque that we have to present to Dr. Jernigan this evening. It reads:

"To Dr. Jernigan. "Work is love made visible. And if you cannot work with love but only with distaste, it is better that you should leave your work and sit at the gate of the temple and take alms of those who work with joy." —*The Prophet*, Kahlil Gibran."

Mr. Gerstenberger also unveiled a three-by-four-foot photograph of Dr. Jernigan traveling with a white cane in front of the Commission building. This picture will hang in the front hall of the Commission.

Next, Jim Gashel read telegrams sent by Burt Risley, Director of the Texas Commission for the Blind and past president of the National Council of State Agencies for the Blind, and Stanley Potter, Administrator of Services for the Blind in Minnesota. Mr. Risley wrote, in part: "Even though I have known of Ken Jernigan for many years, it has only been in the last few years that I have really come to know him personally. During this time it has become apparent to me that he is a gentleman who is deeply concerned for the blind. I have had an opportunity to hear him express these concerns and to see the results. His commitment to the work for the blind is unquestionable and exemplary. It is always a pleasure to work with such an individual, for you know where he stands at any time on any issue relating to services for the blind. Ken Jernigan is truly a giant in the field, and I know that he will continue his interest in and concern for the blind."

Mr. Potter wrote: "[I] want to express high appreciation to Dr. Kenneth Jernigan for his singular contributions to the emergence of blind persons as a viable and constructive force in human development and opportunities for all persons."

The next speaker was greeted with a roaring ovation. He was the President of the National Federation of the Blind, Ralph Sanders, who spoke in part as follows:

"We have come to honor a man and to pay tribute to his works. We—the blind of Iowa, the Lions, members of the Federated Women's Clubs, the concerned citizens not

membered in any organization but who support the programs for the blind of Iowa, and we the blind of the nation—have come together to honor two decades, 20 years, of progress for the blind unparalleled in the history of this nation and the world.

"In common bond, in love for what has been built in Iowa, and with concern for the future, we look back across the past 20 years of success for the blind, an era when the programs of the Iowa Commission for the Blind stood out in the field of work with and for the blind with the full resplendent glory of the crown jewel as if caught by fate for a moment in a costume jewelry counter.

"I am deeply and profoundly honored to come here tonight on behalf of the blind of the nation to participate in this grand and important hour. But let us not lose sight of our purpose. We have come by the hundreds from throughout Iowa and the nation not just as representatives of ourselves but as representatives of a people—blind Americans of this generation—to give voice to our cause. And while we may love the man and cherish him as a brother, we come to pay tribute to Dr. Kenneth Jernigan, our teacher and our leader. [Applause]

"Two decades, 20 years, are but a passing glimmer in the full scope of human history. Two decades, 20 years, excerpted from the past centuries of the lives of blind persons represent only a brief narrative on the poverty and solitude, frustration and degradation, unemployment and non-acceptance which mark the passing of time—measured far, far too often by the slow dull thump of the rocking chair and the nerve-tearing scratch of the talking-book machine.

"But for the past two decades, 20 years, in Iowa, in the lives of the blind, history has stood back, and time has been counted to a different score. The blind have found a new way of life. They exchanged their poverty for progress, their frustrations for futures, their unemployment for unified action, and their rocking chairs for respectability. [Applause]

"For two decades, 20 years, the blind of Iowa followed a man—a man they loved and

cherished as a brother, but a man who has been something more. A man who has been their teacher and their leader. Since 1940 the blind of the nation have had a dream and a philosophy. But in 1958, when Dr. Jernigan came to Iowa, the dream had not yet fully awakened, and the philosophy was largely void of a demonstration of its validity. The critics held the field, and those who hoped and dreamed awaited the chance to gain the proof.

"When the teacher taught the blind of Iowa to believe in themselves, to regard blindness not as a cross but as a characteristic, the blind throughout the nation heard. And when the leader led the blind of Iowa up the long hard climb towards self-confidence and self-determination, toward jobs and community life, blind leaders from throughout the country came to Iowa to look and to learn. Legislators and governors came. Agency directors, civic leaders, concerned citizens, and the rank-and-file blind from throughout this country came; and the state programs for the blind began to change, and conditions for the blind improved.

"What happened in Iowa during the past two decades, 20 years, may be but a passing glimmer in the full scope of human history. But those two decades, 20 years, and the works of Dr. Jernigan have forever changed the future shape of the field of work with and for the blind of this nation. With the fulfillment of the Jernigan era in Iowa and the nation, our dream awakened to a full reality, and the philosophy became a trumpet call to the blind of the nation for a new awareness, new expectations, and a new recognition of the value of self-organization. In his teaching he has taught us to know ourselves and to know what our future can be through concerted action. And in his leading he has taught us to know where we are going and how we are to get there. In 1971 our leader said to us:

"We are not helpless, and we are not children. We know our problems, and we know how to solve them. The challenge which faces us is clear, and the means of

meeting that challenge are equally clear. If we fail in courage or nerve or dedication, we have only ourselves to blame.

"But, of course, we will not fail. The stakes are too high and the need too great to permit it. To paraphrase the Biblical statement: Upon the rock of Federationism we have built our movement, and the gates of hell shall not prevail against it! [Applause] Since 1969 we have talked a great deal about joining each other on the barricades. If there was ever a time, that time is now. What we in the Federation do during the next decade may well determine the fate of the blind for a hundred years to come. To win through to success will require all that we have in the way of purpose, dedication, loyalty, good sense, and guts. Above all, we need front-line soldiers, who are willing to make sacrifices and work for the cause."

"In 1976, in brilliant expression and prophetic wisdom, he spoke to us, saying:

"As we make our advance and set our daily skirmish lines we come to the fight with gladness—not with cringing or fear. We come with a song on our lips and joy in our hearts, for we have seen the vision of hope and felt the power of concerted action and self-belief. In the conflict ahead we will take casualties. We know it, and we are prepared for it. Whatever the price, we will pay it. Whatever the cost, we will bear it. The stakes are too high and the promise too certain to let it be otherwise. We are organized and moving forward. We *will be* free—and the sighted will accept us as partners and equals. We know who we are, and we will never go back." [Applause]

"No matter what has happened in Iowa during the past few months, no matter the mouthings of the politically expedient or the empty expressions of a journalism without character or purpose, and no matter the tomorrow, two decades, 20 years, of revolutionary advancement for the blind cannot be erased. What was built in Iowa has been attacked in Iowa; but it cannot be destroyed or tarnished, for it belongs to the blind of this nation.

"Nor does it matter what expressions the

self-seeking journalists and the politically expedient may make about Dr. Jernigan, for yesterday, today, and tomorrow, for all time and for each season, he is not just a part of the Iowa experience, he is a part of the American experience for all blind people. [Applause]

"He is the teacher of a people, and the leader of a cause. Let anyone who would try to separate him out from us, out from our past pains, or out from our future prospects come and see us tonight gathered together by the hundreds from throughout Iowa and the nation as we give special love, recognition, and tribute to Dr. Kenneth Jernigan, our teacher, our leader, for the cause and for us as the people." [Applause]

President Sanders then presented Dr. Jernigan a plaque inscribed: "Presented with love and gratitude to Dr. Kenneth Jernigan, May 20, 1978, by the blind of the nation. In Iowa you have built model programs for the blind and have pioneered not only for the blind of Iowa but for the blind of the nation and the world. In the lives of all of us can be seen the living testimonial which will expand and endure throughout all years. As the leader of the organized blind movement of the country and as Director of the Iowa Commission for the Blind during 20 years of unchallenged success and accomplishment, you have given emphasis and meaning to the expression that it is respectable to be blind. We thank you."

Following President Sanders' remarks and presentation, Jim Gashel read a telegram of praise from Isaac Johnson, the regional representative of the Rehabilitation Services Administration in HEW. Next a long-time friend of the blind of Iowa and executive secretary of the Iowa Lions Sight Conservation Fund (ILSCF), Warren Coleman, recalled the early years of the Commission. Jim Gashel then introduced three past presidents of the Iowa Federated Women's Clubs; the president-elect; and the current president, Mrs. Clive Ayers, who spoke briefly and presented a plaque to Dr. Jernigan.

Then Steve Burch, District Governor of

the Iowa Lions District 9x5, spoke and presented a plaque from the Lions. Following this, Jim Gashel introduced 17 other officers of the Lions Club, mainly past District Governors or ILSCF trustees. Mr. Bill Blakeley, current president of the ILSCF, also presented a plaque to the guest of honor.

Milton S. Schiller, senior partner of Weinberg and Green, the Federation's law firm, spoke next. He was followed by Dr. Jacob Freid, member of the NFB Board of Directors and Executive Director of the Jewish Braille Institute of America. As always, Dr. Freid spoke eloquently, although some of his lighter observations drew roars of laughter from the audience. Part of his tribute was as follows:

"When we held the first World Conference of the Jewish Blind in Jerusalem in 1975, we wanted to choose the foremost professional in work for the blind, the foremost leader of the blind in the world to give the keynote address. And of course we chose Kenneth Jernigan. Iowa has become the Rome to which all roads lead for excellence in work for the blind.

"Kenneth knew that to break the serf's pattern of 'come weal, come woe, our status is quo,' he would have to be a revolutionist. The result has been virulent opposition by some of the best minds of the eighteenth century. They have argued from a false assumption, or rather, I should say, a false as-szumski to a foregone conclusion, and you have to be either a simp or a Simpson not to see fear of technological unemployment as the ultimate conflict of interest.

"I'll end with this thought. In Virgil's epic, Aeneas, the Trojan, leaves the burning pyre of his city carrying his father on his back, leading his son by the hand. He's preserving the best of the past and will pass it on enhanced to the future for his disciples to carry on. Kenneth, we will keep the faith and carry on." [Applause]

Following Dr. Freid's remarks, Jim Gashel introduced Ray Burkholz, co-chairman of the Advisory Committee on Employment of the Blind in Iowa; Steve Roberts, Iowa

state chairman of the Republican Party; Ed Campbell, state chairman of the Democratic Party; Judge Luther Glanton, Jr., of the Polk County District Court; Roger Jepsen, former Lieutenant Governor of Iowa; Herbert Anderson, Iowa's Insurance Commissioner; Dr. James Nyman, head of Nebraska's services for the blind; several members of the Iowa Legislature; two former members of the Commission board; and Robert Lounsberry, Iowa Secretary of Agriculture. Then Joanne Giudicessi spoke on behalf of the past and present students of the Commission. Her remarks were as follows:

"There is a book titled *The Master of the Inn*. It is a very special book which Mr. Jernigan traditionally reads to the orientation students, and this evening I would like to tell you of this story.

"There was a doctor who decided he didn't want to practice traditional medicine. So he bought an inn somewhere in the New England territory, and people from throughout the country would come to live at the inn. These people shared a similar characteristic in that they were no longer interested in living. So they lived at the inn and they learned from the doctor of life and of love and how to enjoy life.

"When I came to the orientation center, I thought that I was coming to a rehab agency to learn the skills of blindness. And then I met Mr. Jernigan, the master of my inn. He taught me of life and he taught of love and he taught me how to love living. He has taught all of us. He's taught us to trust, to respect, and to love one another, for he is the master of our inn.

"Mr. Jernigan, I would like to present a plaque to you this evening. It's a walnut plaque with an etching of the Iowa Commission for the Blind upon it. It reads: 'Dr. Kenneth Jernigan, the master of the inn. You taught us that somewhere in this tumultuous world of ours there is hidden all this beauty and the secret of living. Because of you we are of the brotherhood of those who have found it. You brought us into your house, you gave to us our lives. You

gave all, you asked nothing. In return we give our love. Your students, May 20, 1978.'"

Joanne was followed by Sylvester Nemmers, speaking for the National Federation of the Blind of Iowa, of which he is president. Mr. Nemmers spoke as follows:

"Yes, 20 years ago, Dr. Jernigan, you did come to Iowa. You found here a small group of Federationists who really didn't know Federationism. Your job was indeed a tough one. You taught us by word and by example what it meant to be a Federationist. About security, about opportunity, and about equality. And we labored together in the field to make dreams come true. You had a dream that we shared with you, and we made it a reality. We are fortunate that we here in Iowa probably benefited most from Dr. Jernigan's work here in the state; however, the country as a whole benefited also. We lived in a time of history where rapid progress was made in services for the blind not only here in Iowa but all over the country. We will always remember the great things that Dr. Jernigan has done with us now and what he will do for us in the future. It is my privilege this evening to present to Dr. Jernigan a commemorative plaque. It's in the shape of Iowa and it reads thusly: 'Presented to Dr. Kenneth Jernigan in recognition of 20 years as our colleague, teacher, leader, and friend, by the National Federation of the Blind of Iowa, May 20, 1978. It no longer matters how great the victories or how many the defeats. For through your teaching and leadership, our hope has a goal which we know is obtainable and our spirit has a fire which is unquenchable. Dr. Jernigan, we are with you always.'"

Mr. Nemmers was followed by the three members of the board of the Iowa Commission, Elwyn Hemken, Mrs. Bonnell, and Mrs. Jeannette Eyerly. Portions of their remarks are as follows:

Mr. Hemken: "I'm glad to be here tonight to honor Dr. Jernigan. You know, I also benefited from this program; I was also a student. I can well remember 16 years ago when I—and I would be the first to admit that at that time I was frightened—I came

to the Center as a student, and I didn't know what to expect. In fact, I was sure I was unemployable. And when I got here, believe it or not I found students, other blind people, doing all kinds of things—work and jobs. And believe it or not, I even found blind people going all over Des Moines. In fact, around this city they were chasing one another. [Laughter] I really couldn't believe it. But, Dr. Jernigan, it's really you that convinced me that I could and should go home to farm. Then you and the staff helped me qualify myself to be an insurance licensee. And one thing that I think is great: I watched you go out in the employment field. You talked to the employers. You asked them to employ the blind and let them prove themselves. And slowly and surely they did that. I believe you gave us faith in ourselves, and you made Iowa a state in which it *was* respectable to be blind."

Mrs. Bonnell: "The finest accolade we can give to Dr. Jernigan is our pledge that we will man the barricades; and just as Anna Katherine has stood with him in triumph and disappointment, so shall we his friends, both blind and sighted, join with him to make the road less traveled a main and clearly marked highway, free of weeds; and that we will take the stumbling blocks and make of them building stones that the efforts of people such as Dr. Jernigan will guarantee for the blind of our country a better way of life, a more strengthened, a more confident pathway.

"These, Dr. Jernigan, we do pledge to you and for our program in Iowa. Dr. Jernigan's leadership has brought it to the threshold of greatness. It is the most innovative, resourceful, and effective in the world. . . . As Dr. Jernigan leaves the directorship of the Iowa Commission for the Blind, we wish for him and Anna Katherine the best that life can give. And we say, finally, that things will never be quite the same when they are away from us. But we also say, with gratitude to them, that many, many things are better because they have been here."

Mrs. Eyerly: "I'm going to say a few words about a man. He was born in Tennessee;

he attended college; he earned a master's degree in English. He was working with the blind in California when Dorothy Kirchner found him, and he came to Iowa. To Iowa—low man on the totem pole, last among the states in allocating money for education and services for the blind. That was 20 years ago. I need not tell you how that man, by hard work, determination, and prophetic vision, turned all that around. In his hands the long white cane pointed to a new life for blind people. He showed them that there were few things they could not do, if they only believed in themselves. They became teachers and switchboard operators and cooks and lawyers and typists and social workers and auto body repairmen and pig farmers and counselors and computer programmers and linotype operators. You name it and they became it.

"But this was not enough for our man for all seasons. He insisted that students at the Commission learn to play. So they swam and they dived and they cut wood and they water-skiied and they jogged and they built fires and they tended them and they cooked steaks and they ate them. You name it and they did it. Oh yes, and one thing more: When the play was over, he instructed them in grammar and in the art of rhetoric so they would speak properly and with passion about the movement. Himself an impassioned and brilliant public speaker as President of the National Federation of the Blind, he incited the blind of Iowa and of the nation to new purpose. He led them out of the darkness of ignorance and superstition and apathy into the light of a new day. May I pay my respects to Kenneth Jernigan, one of the immortals of our generation."

The final tribute of the evening was delivered by John Taylor, Director of the Iowa Commission for the Blind, who spoke in part as follows:

"I perhaps have known our honored guest this evening longer than anyone else in the room. You may be interested to know of an incident which occurred early in his adult life which I think is characteristic of his sense of responsibility and of his courage.

A quarter of a century ago, as a young man, he was a teacher in a state school for the blind. In that same school a member of the staff—an abusive man—was kicking and slapping students around. When the ordinary efforts to secure redress of that were unsuccessful and when he could stomach it no longer, our honored guest here spoke out. An inquiry into the situation resulted in the firing of the superintendent and of the abusive employee. It also resulted in a failure to renew our guest's contract for the next year. Not because he was not an outstanding teacher, not because the facts to which he referred were incorrect, but because he spoke out. I think that tells the story of his life then and of his life now.

"By whatever standards we assess a human being's contribution to our society and to the world in which we all live, his intelligence, his faithfulness, his courage, his integrity, his energy, and his sense of commitment, our honored guest this evening stands ten feet tall."

These testimonials were followed by the introduction of Federation leaders from each of the states present. Jim Gashel also introduced several Federationists whose presence was a special tribute to our leader: Mr. J. M. Warren from Tennessee, one of our oldest Federationists and a long, long-time associate of Dr. Jernigan's; former NFB Second Vice-President Jim Coutts and his wife Mae; and Mrs. Ethel ("Tiny") Beedle, who has made a courageous recovery from a tragic accident some years ago. There was also Jim Chappell from Illinois, who postponed entering the hospital for heart surgery in order to come to Des Moines.

Finally, the tributes were over, and we in the audience rose, deeply moved, to express our own support in an extended ovation. Dr. Jernigan responded with these words:

"Friends, I cannot tell you what this outpouring of affection and, indeed, love has meant to me this evening and what it will mean for the rest of my life.

"Hate cannot come from love. Love cannot come from hate. Good cannot be created from evil. And evil cannot be created from good. I believe that those are truths. As I look back on the 20 years that I have spent in this state, working to build a program, working closely *with* many of you, I'm sure I don't have to tell you that I have many, many thoughts, memories, and also—because of recent developments—wonders. Anybody who has sat in this room tonight through the long procession of talk that has been made who could not feel the love that we have for each other in the work we have done has both a heart of stone and the mind of a fool.

"Yet if that is so, if there has been love, if there has been honest effort to try to build a program, if there was an unbroken string—for almost 20 years—of harmony and peace in this state, what suddenly could have caused this state's largest newspaper, which has boasted that it controls the state—and that's not simply talk, it has been said—what could cause the almost frenzied outpouring of hate, venom, poison, negative, unscrupulous, and at times downright *lies* to come from that? What *could* cause that sort of thing?

"Now, I won't dwell on that aspect of it; but I want to try for a moment to tie together at least my theory of what the Iowa experience means and where we go from here with it.

"Recently the Des Moines *Register* said that I had taken a full-time post with the National Federation of the Blind. That is a lie. I've been often asked to give examples of false statements. That is a false statement. There have been other false statements. There have been, even more innuendo and distortion. But above all, there has been a negative, downbeat, almost desperate search for every possible kind of hatred and dirt. And one wonders why. What is to be gained?

"Yes, I have been humiliated in the state. But could that possibly bring pleasure to the people who've done it? Yes, there's been pain. There's been anguish—all of that. But

it doesn't erase what has been done to build the lives of blind people. It doesn't erase what has been done in a constructive way.

"At first, you know, there was talk, a few months back: 'Yes, they have a good program, *but*—' You hear none of that now. You hear not a positive word. You hear only anger and venom and poison and hatred of a kind that is astonishing. I think that shame has been brought to the whole state of Iowa by the action of this one group, and I mean by that this newspaper.

"But let's try for a moment to set that in a context. A series of things are involved, and I also think there are positive things to be said, even in the events of the past few months.

"In the first place, not everybody at the Des Moines *Register*. I'm sure, participates in this kind of thing. I do believe that it is a policy of the paper, not of a single reporter. But why? Why?

"Let me tell you an unrelated incident which most—many of you, at least, know. I think it may have some relevance. There is a climate in the country, a climate that is changing. A number of people coming to this meeting, yesterday and today, found trouble in boarding airplanes concerning whether their canes would be taken away from them. This is a relatively new experience, at least on a massive scale. Yesterday, in the City of Los Angeles, a blind person, having bought his ticket to board a plane, peacefully going about his pursuit of travel to a meeting he wanted to attend—this meeting—was told that he could not walk through security with his cane. But as he was being told that, he *had* walked through, did not trip the metal detector—as I understand it—an ordinary white cane.

"Because he would not surrender that cane, he was thrown against a wall, bruised, handcuffed, and literally arrested and hauled off by the police and booked. And then without any formal charges being made, released and told that the district attorney this next week would decide whether to prosecute. Impossible? He's here tonight.

"We will institute a lawsuit about that, and we will doubtless be called, by some, militant in doing it. What are our alternatives?

"Does it have relevance to what I said earlier? I think maybe it does. You know, the blacks in this country have made a lot of progress. So have Jews. But let me ask you something. Deep down inside, even though they say the right words, don't a lot of Americans still feel uncomfortable with the fact that blacks are beginning to attain equality? And if there could be a trend so that for a moment people could start jumping on, you wonder if all of that wouldn't boil up into resentment and hatred at the attempt at equality, and if you couldn't find almost barbarism in the resentments that are deeply buried. It takes a long time for prejudice to get rooted out of people.

"And the same is true with the Jews. A lot of people still resent the fact that Jews are treated like non-Jews. And if you had another situation where a fascist state arose, I'm not sure that I would trust that even now, with our society having learned the lessons of pre-World War II, there couldn't be a flare-up again of the same thing.

"What does it all have to do with what I've been saying? In Iowa, blind people over the past 20 years have made progress as never before in the history of this country. I, a blind person, dared to act as if I were as good as a sighted person. And furthermore, the Commission for the Blind as a program and I as an individual had influence in this state and a good deal of it. I believe that brought deep resentment on the part of some sighted people. Not all, by any means. Not at all. But I believe that a lot of people felt uncomfortable with the Commission program turning out blind persons who were able to hold a competitive employment, turning out blind persons who had a pride in what they did, and who were actually making it on terms of equality with others in pay, in social status—and not just the exception, but in large numbers. Did everyone succeed? No; and maybe that made it even more bitter to those who didn't.

"I think we must ponder long and carefully the Iowa experience. Because if this kind of savagery can occur, in attacking a program and an individual in a state where we thought people were friendly to the advancement of the blind, then we still have a ways to go.

"But also, we have learned from that experience. And also, we are not where we were 20 years ago, or 30 or 40. We now *have* an organization; we now *know* how to protect ourselves. No matter if—and I do not think it can be done—but if the Iowa Commission for the Blind as an institution and I as a human being could be totally killed and obliterated, the blind would not go back. It could not be done. We've made too much progress. There are too many of us. And we will not be flimflammed by the statement that people are really not trying to hurt the blind or hurt the programs, that they're just after me, or it's just something that they're trying to attack in that way. That won't work.

"Overwhelmingly the Iowa experience has been a positive experience. Because we demonstrated in visible form here that an agency for the blind can work *with* the blind, that training can actually be practical training.

"Maybe one of the problems that developed recently in the—and there's been, incidentally, sort of waves of it. Some of the things that've occurred in the last month, unless you actually have read some of the articles or heard some of the statements, you wouldn't believe. For instance, it has been seriously suggested that no member of the staff of the Iowa Commission for the Blind be permitted to hold an office in any organization of the blind. [Laughter] I know! Or connected with the blind. That, of course, is insanity, and it's also illegal, and it's unconstitutional. And the first time any agency, even our good Iowa Commission, tries that, they'll find themselves in the federal courts in a hurry. [Applause] Even *blind* people have the right to freedom of association. [Cheers and applause] There's that kind of thing.

"But you know, another thing that I

think we can learn from some of the recent experience we've had: When people don't understand a thing, first they fear it, and then they try to destroy it. We have not been the ordinary agency of government. We have not operated on the basis of 8-to-5, routine red tape, write up all your paperwork and do nothing else, or give that the principal emphasis. You have seen a visible demonstration here tonight of partly how we operate. There *have* been love and understanding. There *have* been the kinds of things that build human beings, not mounds of paper. All of the things that we have accomplished in Iowa, however, we can now use as stepping stones for what will be accomplished in other states. And, hopefully, in this state we can keep these programs from being totally smashed.

"I want to say, I guess, just one more thing to the *Register* people who are here tonight. Then I want to say no more to them on that subject. I would hope, after what has occurred here tonight, they would have the decency not to come and ask me for any interview or any comment or 'Did you mean this?' or 'Did you really say that?' I have nothing more to say to them, and I don't want them to come and talk to me at all. Because I think they have done sufficient. [Applause] They should be ashamed of themselves. And that's enough.

"Now, let me say these things to you finally. If you consider where we were in Iowa and if you consider where we are, the progress is more than we could have hoped as we started that 20-year climb. If you consider the Commission building, the Commission rehabilitation program, the tremendously fine staff that has been collected to operate the program, but above all, if you consider the blind *people* who have gone forth from the program to lead normal lives, productive lives, happy lives—in *that* you can find the real mark of what the Commission has meant in this state, and of what its promise is and has been to the blind of other states.

"No, the Iowa experience has not been negative, despite even the last few months.

On balance and in total, it has to be considered one of the real milestones in work with the blind and the progress of the blind of this country. And that is so not because of one man, not because of me. It is so because in this state we have brought together a cooperative effort on the part of the public, the blind of the state, a dedicated staff, and a public officialdom both legislative and executive, and for that matter, in the judicial branch, that *made* it happen. It shows that it can be done.

"I want you to know that I not only appreciate personally the love and affection you have showed for me tonight, but that I also appreciate the confidence which you have demonstrated in blind people and in the programs for the blind. I will be leaving the state of Iowa. I will be going to other employment. But I will continue my interest in the programs of the Commission. And I believe that under the direction of John Taylor, your new Director, and of the Commission board, and with the staff of the Commission—and I hope the staff of the Commission will largely be maintained intact and will not leave the agency—I believe that what has been done in Iowa can go forward and, hopefully, to heights beyond where we've been.

"Dear friends, thank you again, all of you, for what you have said and what you have meant to me and for the demonstration tonight of love and affection you've given me. I appreciate it. I shall not forget it. I thank you much."

The program came to an end as Jim Gashel read one final telegram, sent by the San Francisco Chapter of the NFB of California: "Grateful and fortunate are we that you have led the organized blind movement with inspiration and selfless dedication to heights undreamed of heretofore. We are overjoyed that you will now devote full-time your immense knowledge and your inspiring leadership to the cause of the organized blind movement. Please know that without equivocation, without reservation, we stand shoulder to shoulder beside you at the barricades."

One other thing should be reported about the evening, though it goes almost without saying. Despite Dr. Jernigan's request that *Register* reporters be content with their past savaging of him, Federationist Don Morris observed a reporter heading for the head table where Dr. Jernigan was surrounded by well-wishers. Don intercepted the man and asked whether he hadn't heard the request. The reporter replied, "Excuse me," and tried to step around him. But as others have already learned, Federationists are not so easily ignored. Don stepped in front of the man again and turned him back.

(Jerry Szumski, of course, was very much in evidence during the evening, keyed up to an unnatural state of nerves and officiousness. Indeed, this may have been the high-point of his life in some ways. Throughout the last months he has gained a notoriety through his ruthlessness and disregard for fairness that he could probably never have achieved by any other means.)

On Sunday we started for our homes around the country. Considering the ructions that took place on Friday and Saturday, this was not likely to be uneventful. Hoping to stave off some of the worst excesses, President Sanders, Jim Gashel, and NFB counsel Stanford Hess flew to Chicago early in the morning to meet with United Airlines officials. Around noon, United issued an order to their personnel around the country that for that one day only the rule about confiscating canes would not be followed. They were not willing to grant the validity of our position, but in self-defense they wanted, as they said, to get all these blind people out of the system. It was just as well. At the Des Moines airport, a flight heading for the West boarded a party of blind people. Those waiting in the terminal for a later flight east watched in suspense as the plane filled up, closed its doors, and then remained motionless at the gate for fifteen minutes. United personnel came and went, making phone calls in the terminal, forming little huddles to talk excitedly, then hurrying back to the plane, which finally took off.

Those waiting for the next flight heard a ground attendant on the phone saying she would not load the plane until she got a firm decision from higher up. This was about noon—the time of United's moratorium—and after another phone call, we all boarded peacefully, no canes were taken, and matters proceeded smoothly. Yet there were incidents earlier. On one plane, reportedly, several blind people were thrown off for refusing to give up their canes while others on the same flight were not even asked to give theirs up. It is such discretionary and therefore discriminatory treatment that we are now fighting in the courts.

Kenneth Jernigan has left Iowa. We are

tempted to say he has shaken its dust from his shoes. As the early Christians were advised to do. Yet Iowa has not rejected him, nor he Iowa.

Some years ago, Dr. Jernigan wrote a speech titled, appropriately, "Blindness: Discrimination, Hostility, and Progress." As he wrote: "No matter how moderately it may be done, [the] resistance to discrimination will inevitably bring a certain amount of hostility. But under such circumstances even hostility is a hopeful sign and is, perhaps, one of the best indicators of our progress. In fact, the future looks increasingly bright for the blind." These words are a fitting summary of the Iowa experience. □

F.A.A. AND AIRLINE DISCRIMINATION AGAINST THE BLIND: THE FEDERATION MOVES THE BATTLE TO THE COURTS

The December 1977 issue of the *Monitor* discussed in detail the Federal Aviation Administration's regulations on handicapped air travelers, the wide degree of discretion they grant to airlines in their dealings with the blind, and the resulting welter of contradictory and discriminatory procedures developed by individual airlines in response to the FAA regulations. We did not discuss in detail the FAA's policy on confiscating white canes, but it fits into the general pattern. The new regulations published by the FAA in 1977 did not mention canes, but the preamble to the regulations discussed the issue. After conceding that canes are necessary to blind persons in the event of emergency evacuations, the preamble cites the possibility of their causing damage to inflatable exit slides and concludes that "these items will have to be carried in accordance with section 121.589(a)." The section referred to, however, is a general policy about stowing carry-on baggage, with no specific reference to white canes. The section reads:

Section 121.589 Carry-on baggage.

(a) No certificate holder may permit an airplane to take off or land unless each article of baggage carried aboard by passengers is stowed—

(1) In a suitable baggage or cargo stowage compartment;

(2) As provided in paragraph (c) of section 121.285; or

(3) Under a passenger seat.

(b) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraph (a) of this section.

(c) Each passenger seat under which baggage is permitted to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward under crash impacts severe enough to induce the ultimate inertia forces specified in section 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certified.

The section 121.285(c) referred to above concerns stowage of firearms. The rest of the section is vague in each of its terms, and paragraph (b) appears to leave the final determination up to the judgment of each flight crew, although as with the regulations discussed in the December issue, these judgments by crew members are to be binding on blind people.

This is the sort of discretionary treatment that we as blind people cannot tolerate if we wish to continue thinking of ourselves as possessing the rights accorded to citizens under the Constitution. A few months ago,

in light of the quotas and other restrictions being considered by airlines, the white cane policy would not have seemed likely to become the proverbial last straw, particularly since most airlines have interpreted this vague policy with an eye to reason and fairness. Recent events, however, have changed all this; and the white cane is now the issue in legal action that may have results more far-reaching than any litigation we have undertaken.

The preceding article in this issue details the conflicts caused by United Airlines' decision to "get tough" in the matter of taking white canes from blind people. This decision changed the situation. Of the procedures being imposed on blind travelers with FAA backing, some impose indignities and curtail constitutional rights, others actually jeopardize our safety. Removing canes to a forward compartment does both. Nor will the symbolic nature of this action be lost on Federationists. Jacobus tenBroek, writing in 1955 in relation to the white cane laws being passed around the country to guarantee our rights as citizens, stated:

"Nothing characterizes our streamlined modern civilization so much as its atmosphere of rapid transit and jet propulsion. . . . In the routines of daily living, as at a deeper social level, the keynote of our way of life is *mobility*: the capacity to get around, to move at a normal pace in step with the passing parade. . . . For blind people everywhere, the white cane is not a badge of difference—but a token of their equality and integration. For those who know its history and associations, the white cane is also something more; it is the tangible expression not only of mobility, but of a *movement*."

Now, however, citing possible dangers to exit slides and its vague regulations, the Federal Aviation Administration wants us to give up our white canes. United Airlines, alone in the industry, is eager to see that this is done. As a United spokesman was quoted in a recent newspaper story: "We feel a blind passenger can evacuate safely with the aid of somebody around him or

by feel, following the backs of the seats in front of him."

Following the incidents that took place as Federationists headed for Des Moines, President Sanders announced that we would take the matter to court. The vagueness of the policy and the degree of buck-passing going on between the FAA and the airlines made this more difficult than might have been expected. But we have begun the process, and we will see it through to the end. As a first step, President Sanders took the case to a Maryland court, charging United Airlines with a violation of the state's white cane law. The complaint was filed on behalf of the blind as a class, and it cited United for violating the section in the Maryland Code that prohibits "common carriers, airplanes . . . or other public conveyances or modes of transportation" from denying blind persons "full and equal accommodations, advantages, facilities, and privileges subject only to the conditions and limitations established by law and applicable to all persons."

Judge James Perrot of the Baltimore Circuit Court accepted jurisdiction and, indeed, issued a temporary restraining order barring United from taking canes. This he did on the basis that it "will cause immediate, substantial, and irreparable injury" to blind air travelers.

Following this initial victory, though, the case began to be complicated by questions about what court—state or federal—should have jurisdiction in the matter. The FAA finally weighed in, after initially refusing to take responsibility for United's actions, by stating that the taking of canes was federal policy. The Maryland court lifted its restraining order, and our lawyers moved on to U.S. District Court. Here we obtained a restraining order against not just United but all airlines regulated by the FAA. A week later, the District Court judge changed his mind and lifted the restraining order on the basis that it is unlikely any blind persons will be involved in an airplane crash before the case can come to trial. The actions concerning these restraining orders

have been widely reported in the nation's news media. They are important to blind people who have to use the airlines in the near future (including the several thousand gathering in Baltimore for the NFB Convention). Still, these early actions by the courts have nothing to do with the eventual outcome of the lawsuit. Our day in court is still to come.

Our case is based on constitutional grounds. We claim, to quote the complaint filed in U.S. District Court:

"That blind persons, along with all other citizens of the United States, are accorded a constitutional right under the due process clause of the Fifth Amendment and the commerce clause of Article I to travel.

"That inasmuch as the White Cane carried by a blind person is necessary for him to safely traverse unfamiliar areas and provides him with a method of 'sight,' a blind person has a constitutional right to keep with him at all times for his personal use his White Cane unless the [FAA] Administrator can show a compelling interest to deprive him of such.

"That the Administrator's action in commanding the removal from the possession of a blind person of his White Cane denies a blind person the full exercise of his constitutional right of travel by creating a chilling effect upon the exercise of a blind person of that right. By acting in the manner aforesaid the Administrator makes the fundamental right to travel unequally available to blind and sighted persons."

We are contending that the FAA, and by extension, the United States, has no compelling interest in taking away white canes, that there has to be an alternative that does not have a "chilling effect" on our exercise of the right to travel. In fact, the alternative is already well known. Even on United airplanes, blind people have been allowed to strap their canes inside the seatbelt, with the cane slid down next to the seat. Considering the number of items sighted passengers are allowed to keep with them during take-off and landing—such as glasses, purses,

umbrellas—it is clear that the FAA has created a separate class of passengers, the blind, who must follow a stricter standard than sighted passengers.

The aspect of the case that has potentially the most far-reaching consequences is our contention that the blind are what is known as a "suspect class." If allowed, this would grant us a distinction in federal law so far granted only to those suffering discrimination on the basis of race, citizenship status, or legitimacy. It would mean that any law that sets up a separate category for the blind would be looked at carefully to make certain the category is not simply the result of traditional prejudices.

In the meantime, the response from the media to this new initiative has been very positive. Most of the major big-city newspapers have reported the case. Typical of the response is a long article in the Washington, D.C., *Star*, which began on the front page. Here are some excerpts from that article:

"The continuing battle over the canes in planes—the Federation is plotting a new legal challenge with some urgency, since it expects the airlines to bring many of the 3,000 delegates to its annual convention in Baltimore July 2—is a confused one involving the issue of public safety, the determination of some blind persons to move about as independently as possible, and conflicting interpretations within FAA about what is a 'rule' and what is a suggestion.

"Interestingly, representatives of three major airlines said this week—before receiving the new FAA message on cane stowage—that their blind passengers are perfectly free to keep their canes at their seats.

"‘We certainly don't want to take their canes away from them,’ said a vice-president of Dallas-based Braniff. ‘A blind person is a very good passenger. They're very knowledgeable about what they “see,” and are always thinking ahead.’

"‘Umbrellas are certainly sharper than any cane I've ever seen,’ observed a Delta worker at National Airport here. ‘We don't

take them away from people.'

"'This has not been a problem to us,' said an American Airlines spokesman.

"But a representative of United, the nation's largest airline, says it has 'always' stowed the canes of blind passengers in carry-on luggage compartments during take-offs and landings."

The article quotes President Sanders saying: "The issue is really a basic one, presenting the whole society with a fundamental question we face every day: Are blind people capable of independent travel, or are we helpless? The FAA requirement is predicated on the notion that blind people are essentially helpless. What if all the people

around me are hurt and can't move? I'm supposed to sit there? Without a cane you follow the seat backs—and fall through a gash in the floor of the plane."

What can we recommend to blind people contemplating travel before this case is decided. President Sanders has suggested that if you don't have to fly, don't. If you do have to fly—and many blind people will have to for business or other reasons—realize that you may have to give up your cane or leave the plane. Of course, there is a good likelihood that you will be allowed to keep your cane—as in the past, before the blind were singled out for special treatment by the Federal Aviation Administration. □

THREE MILESTONE VICTORIES FOR BLIND WORKERS: TWO N.L.R.B. DECISIONS IN OUR FAVOR AND THE FIRST UNIONIZED WORKSHOP FOR THE BLIND

In a six-week period, the NFB has won three decisions that will have major effects on the prospects for blind workers. In early May, the National Labor Relations Board ordered an election in the workshop at the Cincinnati Association for the Blind. Then, in the beginning of June, the election went in favor of a union—the first union in a sheltered workshop for the blind. Finally the NLRB ruled again in our favor; it found that Federationist Steven Henry had been the victim of unfair labor practices by the U.S. Postal Service, awarded Steve his job back as well as back pay. These are stunning victories for the movement; both NLRB cases were fought with Federation funds and by Federation lawyers. The union election was the culmination of a long-fought battle extending back over the years.

The NLRB decision to order an election at the Cincinnati Association is an important one. The first time the Board agreed to take jurisdiction over a sheltered shop was the result of our effort to unionize the Chicago Lighthouse for the Blind, in 1976. The decision was in our favor, but the written ruling by the Board simply referred to a decision made by the Board two days earlier

in another case, and applied that decision to the Lighthouse case. This was followed by an election that went against unionizing. As has been reported at length in earlier issues, in the meantime the Lighthouse management undertook a widespread campaign of intimidation that eventually ended in the post-election firing of all the union organizers in the Lighthouse shops. Still, there will be future elections at the Lighthouse, and now the workers and we know what to expect.

But in August 1977, the National Labor Relations Board declined to take jurisdiction over a workshop run by Goodwill Industries in Southern California. That decision stated, in part: "The focus of Goodwill's employment concern is upon rehabilitating its clients and preparing them for work in private competitive industry, not on producing a product for profit. Prospective clients are 'hired' not on the basis of their competence, but on the basis of the severity of their impairments—presumably the more severe their impairment, the more likely they are to be hired. Wages are the same regardless of the client's performance or tenure, and are as much an instrument

of the rehabilitative process as they are recompense for productive activity.”

This language was ominous in that it echoed the long-held contention of the more regressive workshops that their blind employees are not workers, but rehabilitation clients. (Other parts of this decision, however, as will be seen, were part of the Board's means of distinguishing a blind workshop from a general workshop such as Goodwill's.) Following the NLRB decision in the Goodwill case, workshop managers around the country—at least the ones who wished to continue the custodial patterns of the past—took hope. They believed the NLRB was drawing back from its posture in the Chicago Lighthouse case.

But the decision in the case of the Cincinnati Association affirms the Lighthouse decision and draws clear distinctions between the Goodwill operation and the type of operation that is typical of most workshops for the blind. The important parts of the decision are reprinted below. Notice that the Board appears to firmly accept our position that what the workshops call “workers” are *sighted* workers, and what the workshops call “clients” are *blind* workers. In the decision, the “Employer” is the Cincinnati Association, the “Petitioner” is the Truck Drivers, Chauffeurs and Helpers Local Union Number 100, a local of the Teamsters Union. The Board found:

“(1) Cincinnati Association for the Blind is an Ohio corporation which operates a sheltered workshop. In 1976 workshop sales exceeded \$2 million and the Employer sold goods valued in excess of \$50,000 directly from its facility in Cincinnati, Ohio, to points outside the State of Ohio. Accordingly we find that the Employer is engaged in commerce within the meaning of section 2(6) and (7) of the Act and that it will effectuate the purposes of the Act to assert jurisdiction herein.

“(4) The Petitioner seeks to represent a [bargaining] unit consisting of all production and maintenance employees, including shipping and receiving employees, employed by

the Employer at its sheltered workshop located at 2045 Gilbert Avenue, Cincinnati, Ohio, excluding office clerical employees, professional employees, guards, and supervisors as defined in the Act. Petitioner's requested unit includes employees not having employment disabilities and individuals having some visual or other disability (referred to as clients). The Employer contends that its workshop ‘clients’ are not employees within the meaning of section 2(3) of the Act and, even if they are, the Board should not assert jurisdiction over them since to do so may hinder the Employer's rehabilitative efforts. The Employer also argues that differences in skills, duties, and supervision between ‘clients’ and nondisabled employees makes Petitioner's proposed overall unit inappropriate.

“Cincinnati Association for the Blind is a nonprofit corporation providing social and technical services to visually handicapped persons. One of the Employer's programs is a sheltered workshop, at which approximately 70 “clients” and 4 nondisabled employees assemble, sew, and package products that the Employer has contracted to produce. In 1976 workshop sales and services generated a profit of \$144,000 that was used to defray other expenses of the Association.

“The Employer contends that *Goodwill Industries of Southern California*, 231 NLRB 49 (1977), requires that the Board refrain from asserting jurisdiction over the workshop ‘clients.’ However, *Goodwill* is distinguishable, in our judgment, because the Employer's workshop operation differs materially from the work program in which Goodwill's ‘clients’ participated. The Board, in its discretion, declined to assert jurisdiction over Goodwill's ‘clients’ (individuals suffering from various types of employment disabilities) because the single overriding purpose of the ‘employer-client’ relationship was rehabilitation. Goodwill's work program, and the production associated with it, was one element of the rehabilitation plan, not an enterprise in itself.

“Goodwill's ‘clients’ were paid uniform wages, regardless of performance, to collect

discarded items and refurbish them for sale in Goodwill stores. The Employer, on the other hand, obtains contracts by competitive bidding with private firms and pays its 'clients' on a piece-rate basis. Thus, the work performed by 'clients' at the Employer's workshop must not only be acceptable to the Employer, but it must also meet the standards of the party who awarded the contract. The Employer's emphasis on productivity is reflected in the fact that workshop wages range from 58 cents to six dollars per hour.

"The Employer's direction of the workshop operation is significantly based on economic considerations. Unlike the situation in *Goodwill*, normal economic considerations are a significant factor in the Employer-'client' relationship. The Employer's relations with workshop 'clients' and the employment conditions existing at the workshop are guided to a great extent by business considerations. We therefore do not exercise our discretion to decline jurisdiction but rather find that assertion of jurisdiction over the 'clients' employed at the Employer's workshop will effectuate the purposes of the Act.

"We find that an overall production and maintenance unit at the Employer's workshop is appropriate. 'Clients' and other employees work closely together at the workshop and perform interdependent functions. Both groups of employees share common supervision and substantially similar terms and conditions of employment. Therefore, the following employees of the Employer constitute an appropriate unit for the purpose of collective bargaining within the meaning of section 9(b) of the Act:

"All production and maintenance employees and 'clients,' including shipping and receiving employees, of the Employer's workshop located at 2045 Gilbert Avenue, Cincinnati, Ohio, excluding office clerical employees, professional employees, guards, and supervisors as defined in the Act."

There are a number of important points

in this decision. One, as already noted, is that the Board knocks down the phony distinction between "workers" and "clients," a distinction based on sight. The Board also distinguishes between workers with "employment disabilities" (in other words, people who actually cannot work, as in the Goodwill shop) and workers in an actual production shop and who are already working, but who also happen to be blind. This is a point of view that we are trying to have accepted by the Congress as it considers whether to extend minimum wage protection to blind workers. (See the article on this subject elsewhere in this issue.)

Finally, the whole tone of the NLRB decision is a marked change from the past. The Board now seems to be saying that it will in general assert jurisdiction over workshops, but that there are certain instances, such as the Goodwill shop, where it may not. In the past, the Board's mood was the opposite. Since most of the workshops for the blind in the country have just the sort of commercial production unit that is found in Cincinnati, this NLRB decision bodes well for further unionizing of workshops for the blind.

Then, on June 7th, the election ordered by the NLRB was held, and the workers at the Cincinnati Association for the Blind voted 44 to 35 in favor of the union. This event occurred too close to the time this issue went to press for an adequate report to be included in this issue—that will appear in the August *Monitor*. But the election seems to be a settled issue: the Association probably will not appeal, and if they do, the union has already filed one unfair labor practice charge against them. The Teamsters have assigned one of their most experienced negotiators to act as agent for the workers, and he has asked for the Federation's help—which of course will be given.

The third victory came on the same day as the union election. It was a decision by the National Labor Relations Board in the Steven Henry case.

In the August 1977 *Monitor* we described the plight of Steven Henry, a Federationist from Louisiana. The situation in which Steven Henry found himself was one not unfamiliar to blind persons. He had been hired by the U.S. Postal Service to do a menial job with no more than 20 hours of work per week; and when he sought even to discuss the possibilities for full-time, permanent employment, he was turned down on the basis that advancement in the Postal Service depended on the ability to read print.

For several years Steve tolerated his circumstances, although he was extremely unhappy. Until he became really active in the Federation, he saw no clear alternative. Then, two years ago, after having attended his first National Convention and returning to Louisiana with renewed spirit and the will to fight, Steve filed a grievance under the American Postal Workers Union contract with the Postal Service; and the lengthy process of investigations, hearings, and decisions began.

There are four levels to the internal grievance procedure in the Postal Service, beyond which unsettled grievances may go to binding arbitration. Steven Henry lost at the first four levels, but he did not give up. He vowed to stand and fight on no matter what, and the Federation vowed to fight with him. For a time we were unsure about the posture of the American Postal Workers Union—the union decides if a case is worth pursuing through arbitration after the grievance procedure has been exhausted. First it appeared that the union would not back Steve further; but at last the decision came down: the union would take the case to arbitration and gladly accepted our offer of assistance.

In many ways, the Steven Henry battle is a classic in discrimination, complete with threats from supervisors and actual reprisals. Shortly after the position of the local postmaster was upheld through the grievance process, Steve's hours were cut from 20 to 2 hours per week. Regular pay increases were twice withheld without warning. There were other attempts at intimidation; and

short of outright firing, everything else was done to cause Steve to leave the Postal Service. The NLRB judge wrote, in his decision, that the evidence presented "the classic case of reprisal against an employee because he filed the grievance." The judge later termed the discrimination "blatant."

But as long as we have the money and the strength of our thousands across the country, there are ways of dealing with such discrimination. In the Steven Henry case we responded by filing an unfair labor practice charge against the Postal Service, since its labor practices must be conducted in accordance with the National Labor Relations Act. Investigations ensued, and in December a hearing was held by the National Labor Relations Board at the regional level. As this issue of the *Monitor* goes to press, we now have a decision that could not be more favorable except for its failure to award legal fees, which we are still seeking. The decision ordered the Postal Service to:

"(1) cease and desist from: (a) reducing the work schedule of employees or otherwise discriminating against them in regard to hire or tenure of employment or any term or condition of employment because they file grievances through the American Postal Workers Union, AFL-CIO, or any other labor organization which may represent them.

"(b) in any other manner interfering with, restraining, or coercing employees in the exercise of the right to engage in or refrain from engaging in any or all of the activities specified in section 7 of the Act."

This second part of the order is an unusually broad censure, and it indicates that the judge felt there had been particularly flagrant discrimination. Should the Postal Service appeal this decision, and it may, or should Steven Henry meet with more reprisals, this language in the judge's decision will be very much in our favor.

This is not the end of the Steven Henry case; but it is a breakthrough and a major one at that. As far as we know, this is the

first time the NLRB has decided in favor of a blind employee filing unfair labor practice charges. The case is precedent-setting at the Labor Board, and it is a milestone in our movement. The NLRB decision gives Steve his job back at the level of 20 hours per week and awards him back pay to the tune of several thousand dollars. But the arbitration proceeding against the Postal

Service is still pending. Undoubtedly the NLRB finding of discrimination will have an impact on the outcome of the arbitration. In the meantime, we must work to make sure we will be able to stand alongside the many Steven Henrys yet to come. With all of us working to swell our ranks, to strengthen our finances and meet the challenge, there will be many victories ahead. □

VENOM, POISON, AND CONFLICT OF INTEREST

In the May *Monitor*, we reported on the articles published in the Des Moines *Register* and *Tribune* up through the third week of March. The articles, usually written by Jerry J. Szumski but occasionally by others, including editorials by the managing editor and political writer. The basis of the articles was, as we pointed out, smears fed to reporters by the National Accreditation Council and a few of the agencies allied with it; charges collected by Durward McDaniel of the American Council of the Blind a few years ago in order to institute a nuisance suit against the Iowa Commission. (Those charges fell into two categories—(1) conflict of interest charges; these were specifically refuted by the courts; and (2) cooked-up charges of misconduct; these were dismissed by the courts when it became clear the plaintiffs had no evidence and were taking no steps to locate any. Their tactic was to keep the charges up in the air, to damage the Commission by insinuation.)

Some few state legislators, attracted by the assurance of publicity in the *Register* to anyone willing to help carry on the campaign, allowed themselves to be used for a time to make the attack appear to be more broadly based. (When some of these people later had second thoughts, the *Register* implied that they had been silenced by fear of Kenneth Jernigan's awesome power in the state). Still the legislators were a minor factor. It was clear to anyone familiar with the history that the *Register* and Jerry Szumski were depending for ammunition

almost entirely on NACsters and members of the ACB's Iowa affiliate, at least one of whom (Noma Hochstatter) had even been a plaintiff in the earlier nuisance suit.

The smear campaign has continued almost unabated since March. At that time 60 articles attacking the Commission, Dr. Jernigan, and the Federation had appeared; since then the total has climbed to over 100. At first this seems remarkable, since even if there had been any basis to the charges, their focus—Kenneth Jernigan—had left the Commission (in fact he was not president of *any* organization anymore) and had announced he would not even be staying in the state. All of the charges were being investigated by a special ad hoc committee appointed by the Governor. Why go on with the attacks?

It seems clear to this observer, at least, that the *Register* had gone way out on a limb. Despite the statements of Michael Gartner, the managing editor, that his papers were simply reporting the news, there was no question that the *Register's* credibility had become bound up in proving at least *some* of the charges it had been headlining month after month. Suppose there proved to be no basis for the charges? Suppose the Governor's committee found nothing to complain about? The situation would have been intolerable for the *Register*. It would have been even worse for Jerry Szumski. Even though he surely had the support of his superiors as he pursued his "investigation," still it is hard to believe

the editorial staff was aware of the degree to which Szumski was relying on sources with well-known and intense biases against the organized blind.

How well known were these biases? Noma Hochstatter, Durward McDaniel, Senator Willitts, and the Iowa Council of the Blind—they had all been associated to one degree or another with the unsuccessful lawsuit against the Commission. NAC, the American Foundation for the Blind, the Minneapolis Society for the Blind—during the campaign, they became co-defendants in a \$20 million lawsuit based on the very same misstatements they were feeding to Jerry Szumski. The Minneapolis Society, of course, had the added distinction of having been found guilty by the Labor Department and a Minnesota court of charges brought by the Federation.

This practice of publishing statements of obviously biased sources can be clearly seen in an article published three days after the farewell dinner for Dr. Jernigan. The article describing the dinner, printed the next day, was notable for its third and fourth paragraphs, which read:

"Sixteen persons, including state officials and blind commissioners, praised Jernigan from the podium as 'a man of destiny' who had helped blind people 'exchange poverty for progress.'

"But when Jernigan took the podium shortly before 11 p.m., he spent much of his 21-minute address criticizing the Des Moines Register and society in general. The Register has printed lies, he said, and society continues to look down on blind people."

This is one of the ugly characteristics imputed to Dr. Jernigan by the *Register* over the months; it is the theory of the paranoid Jernigan who raves against "society in general" and sees enemies everywhere. The final sentence groups as equally absurd the notions that the *Register* prints lies or that anyone looks down on the blind. Two days later, an article titled "Airline Ordered To Let Blind Keep Canes on Planes" appeared. It was written by Jerry Szumski, Jim

Healey, and Paul Leavitt. Parts of it read as follows:

"The Baltimore injunction, barring United from enforcing the cane rule in Maryland for ten days, came in a suit filed by NFB President Ralph Sanders of Baltimore, who was a guest at the Jernigan dinner.

"Jernigan is past national president of the NFB, and the organization has said he has joined its staff since resigning as Iowa Commission director April 18."

Then later we read:

"What they're trying to do is create enough fuss over this so that the FAA will suspend the rule," said [United official] Williams.

"At the dinner, Jernigan said he understood a blind person allegedly was mistreated in Los Angeles after refusing to part with his cane at the pre-boarding security area.

"Jernigan said he was told the person was 'thrown against the wall, bruised, handcuffed and literally arrested, and hauled off by the police and booked.'

"Jernigan said the incident occurred after the person had already walked through a metal detector without tripping the alarm. He said the NFB would institute a lawsuit over the incident, which he mentioned in discussing alleged resentment by sighted persons toward blind persons who agitate for equality.

"Los Angeles airport security director Fred Hall and United Airlines spokesman Irv Cuevas said a partially blind person, identified by police as James Fox, was detained but that the actual details were different from Jernigan's depiction of the incident.

"They said there was no arrest and no abuse or use of physical force.

"Hall said security officers and airline personnel said the passenger refused to let his cane be checked by an X-ray device used on all carry-on items.

"Hall said the passenger had a cane with a metal handle, which triggered an alarm as the man went through the security check-

point. He said the man previously had been stopped and 'referred back to the ticket area, where they talked to him.

'He came back, still refused (to have the cane X-rayed), ran through, setting off the alarm and was stopped in the "sterile area,"' Hall said.

"Hall and Cuevas said the passenger had not been touched. They said the man asked to be handcuffed. After being taken to a police station for preliminary 'paperwork,' they said, the man was returned to the airport, where he surrendered his cane and took off for Des Moines on a later plane."

Here we have the *Register* leaning way over to slant a case against the Federation. The biased source is a new one this time, but it is biased for a familiar reason—it is the defendant in a lawsuit brought by the Federation.

Notice how the various parties are handled. The spokesmen for United Airlines are allowed to say things. Dr. Jernigan, though, can only *allege* things. Thus instead of a sentence beginning "At the dinner, Jernigan said a blind person was mistreated," the *Register* writes "At the dinner, Jernigan said he understood a blind person *allegedly* was mistreated . . ." Lower down we have: "He said the NFB would institute a lawsuit over the incident, which he mentioned in discussing *alleged* resentment by sighted persons toward blind persons who agitate for equality." This degree of caution in news reporting is so unheard of that it is patently phony here. Will the *Register* claim it feared a class action suit by the sighted for reporting that the blind believe they encounter resentment? No, it is simply a cheap trick to imply that Dr. Jernigan was exaggerating and suffering paranoid delusions.

The article moves immediately from Dr. Jernigan's "allegations" on to spokesmen for the airlines and the FAA who are quoted as saying "the actual details were different from Jernigan's depiction of the incident.

"They said there was no arrest and no abuse or use of physical force. . . . Hall and

Cuevas said the passenger had not been touched. They said the man asked to be handcuffed." Jim Fox was not arrested; he was merely detained for "preliminary paperwork." His metal-handled cane triggered the metal detector, when he was running through. Nothing said by an airline spokesman is "alleged." The two stories conflict, and you can judge for yourself which side the *Register* wants you to believe is embroidering.

This technique has also been used by the *Register* for months. The reporters in this instance appear to have spent a good deal of time on the phone to United spokesmen. Not one of the three reporters signing the story took the trouble to check with witnesses to the event. All three of the reporters had been present at the dinner when Dr. Jernigan announced that Jim Fox was right there in the room with them. Before writing this article, we talked with Jim Fox and Jim Mitchell, who had been there in the airport. In every one of the details collected by the *Register* to discredit Dr. Jernigan's account, the airline spokesmen had been mistaken.

To detail a few of the mistakes: Jim Fox's cane had no metal handle; it is a standard NFB white cane. NFB canes do not set off metal detectors. Jim Fox's cane did not set off the metal detector. He was brutalized by the security guard before going through the detector. He did not run through, but went through in a line of people, after which he immediately went up to the security agent who conceded it had not set off the detector but who insisted that she would have to X-ray it separately anyway. At that point Jim Fox handed out his cane to be X-rayed. A United official then told him he would not be allowed on a United plane, and that if he did not leave the area he would be arrested. His cane was taken away, his hands were cuffed behind his back, and Jim was taken to the police station by three guards. He did not ask to be arrested, he did not ask to be handcuffed; who but Jerry Szumski would believe he

did? At the police station, Jim was handcuffed to a bench. The guards went on inside, and Jim heard someone say: "You're kidding! Why did you bring him here?"

The most remarkable part of the article, though, and perhaps the most remarkable part of *any* of the articles, is the statement: "Jernigan is past national president of the NFB, and the organization has said he has joined its staff since resigning as Iowa Commission director April 18."

Back in March, when Dr. Jernigan announced his resignation, reporters asked him his plans. He said he planned to move on to a "larger national arena." Here was a mystery for the newspapers to solve. A month later, they were still speculating. In an article published in the *Tribune* April 18, reporting Dr. Jernigan's decision to put his resignation into immediate effect, Larry Fruhling reported: "Jernigan declined to say where he was moving or to give any indication of his plans, other than to comment that he intended to 'get away and look at Iowa from a distance.' When he announced his intentions to resign last month, Jernigan said he sought 'a larger national arena' to promote what he thinks are the best programs for the blind."

Then in the next morning's *Register*, Jerry Szumski took the speculation further, writing: "But reports indicate he will take an apartment in Des Moines for a time, continue to make use of a Federation apartment in the Randolph Hotel and eventually wind up running the Federation staff in Washington, D.C."

This was news to everyone in the Federation, including Dr. Jernigan, and we waited eagerly for new developments. They came four days later, when Szumski, Healey, and Leavitt reported: "The latest issue of the *Braille Monitor*, a publication of the National Federation of the Blind, says Jernigan intends to work for that organization, which has major offices in both Washington, D.C., and Des Moines."

Apparently these fearless investigators had read the May *Monitor* and read—or

rather, misread—the following sentences:

"When Dr. Jernigan announced his resignation, there was speculation in the Iowa press that the phrase 'larger national arena' meant that he intended to run for the U.S. Senate. No one in the Federation will mistake his meaning. Although some of the specifics of Dr. Jernigan's life after leaving the Commission are still being considered by him, the broader career he has chosen is the national organized blind movement—the National Federation of the Blind."

Perhaps the *Register* can be excused for interpreting this statement as an announcement that we have hired a new staff member; although a phone call to any of a number of people could have cleared the matter up for them.

Then at the dinner May 20, Dr. Jernigan addressed himself to this story and called it a lie. The *Register* even reported that Dr. Jernigan accused them of lying, though they didn't specify which story was a lie. Yet three days later we read: "Jernigan is past national president of the NFB, and the organization has said he has joined its staff since resigning as Iowa Commission director April 18."

At some point you get the feeling the *Register* has lost touch with its audience. You get the idea that they're writing for themselves alone. The reporters print a "scoop" about Dr. Jernigan's plans. He calls their story a lie. So they repeat the story, this time pointing out that the "organization" (presumably they mean the *Monitor*) has said it.

If it will help the *Register* any, we are glad to state that Dr. Jernigan is not taking a full-time job with the Federation. He certainly intends to continue and increase his volunteer efforts to further the movement.

The *Register's* lie was in this case a minor one—why on earth should they care what Dr. Jernigan does now? The *Register's* treatment of the story, however, is more than revealing, it is discrediting. To contradict a flat statement by Dr. Jernigan on the basis

of a twisted reading of a *Monitor* article indicates a desperate eagerness to defame.

The coverage of the airline issue continued in the *Register*. When the restraining order against United was lifted by the Maryland court, Jerry Szumski wrote a story about it, once again saying "Jernigan said some sighted people appear to resent advancement in the rights of blind persons." Then, of course, the spokesmen for United Airlines are quoted, refuting Dr. Jernigan's facts in every detail. But when the *Register* received news of the federal restraining order, which had far broader effect and was part of a suit of much greater newsworthiness, what appears is an article one-fourth the size of the preceding one. There is no byline, the article is from a wire service. The *Register* and its editors defend this sort of journalism; they claim there is no hostility toward the blind when they report our moves to attain rights as if they were futile and paranoid flailings. Those who like to assume the best of people might agree at first. Maybe the *Register* has no intention of putting the blind down. It could just be that in order to defend their year-long hate campaign, the *Register* has to show that the blind, and in particular Kenneth Jernigan, are irrational. It's just a matter of survival—nothing personal against the blind.

But as Dr. Jernigan pointed out, when a blind man suddenly begins to act as if he's as good as a sighted person, and actually gains some political power—in such a situation old prejudices get stirred up. The ego grasps at any means of asserting superiority, and we dredge up old hostilities, old condescensions. On May 24th, the Des Moines *Tribune* printed an editorial titled "Blind in Flight." Its last two paragraphs read as follows:

"The agency [the FAA] seems to have overlooked the importance some blind persons attach to their canes. The canes allow the blind to function independently, without the aid of a dog or another person, and bestow a sense of confidence and security. To demand that canes be surrendered could worry some blind persons needlessly.

"Blind persons could help matters by purchasing collapsible canes. If a blind person does not want to surrender his cane, the airline should leave him alone. Emergencies are rare. If one should arise, a passenger who feels relatively secure would be a better risk than one who is handicapped by an FAA regulation."

Our guess is that the writer of this editorial thought he was doing us a favor, that he was showing he understood what the fuss was about with the airlines. He would say that to take exception to these paragraphs is to split hairs. Yet he feels we should be allowed to keep our canes, not because they are necessary or because a civil right is involved, but to avoid worrying us needlessly. The implication that canes are like good-luck charms rather than like eyesight is clearly intended. We don't need our canes, we *attach importance* to them. They give us a "sense of confidence and security." We should have our canes in an emergency because then we will *feel* relatively secure and be less trouble to everyone.

Can you imagine such an editorial being written about blacks or Jews? Blacks should be allowed to attend white schools because then they'll *feel* as good as whites. Moreover, they'll probably cause less trouble if we just let them alone.

But of course, it's still safe to hit at the blind. Or maybe it's not as safe as the Des Moines *Register* and *Tribune* once thought.

The main thrust of the 40 articles published by the *Register* since March has been to publicize the investigation of its charges by the Governor's ad hoc committee. The committee was a real prize for the *Register*: here was a group outside the newspaper office that was going to take all of the accusations seriously. Of course, the investigation had dangers for the *Register* too. What if the committee found nothing? So the nearly daily articles on the committee took two tacks: many of the articles reported charges brought to the committee (this was a chance to reprint all of the charges once more) and then tried hard to

find a committee member willing to shake his head or express doubt about the Commission. On the other hand, the *Register* expressed reservations all along because this person or that organization would not turn over financial records or bare its soul to Jerry Szumski. How could the charges be fully investigated unless all of the evidence could be sifted, the papers asked day after day.

During this period, Jerry Szumski in particular frequently became overwhelmed with his importance as a journalistic investigator, and some memorable scenes took place. Staff and students at the Commission became accustomed to having Szumski leap into rooms, looking for evidence. Some students burning logs in the recreation room were suspected of burning records. When Mr. Jernigan was actually in the process of moving out of the Commission, Szumski and another reporter staked out the Commission, interrupting an assembly program being given for school children and trying to flag down a delivery van. When Mary Ellen Anderson told them to contact the State Auditor if they wanted documentation on who owned what was being moved, and then went into her office. Szumski and his companion stood outside the plate glass window of her office, pointing at her and carrying on.

During this period, Mrs. Anderson refused to communicate with Szumski except in writing, in order to avoid being further misquoted. One morning, Szumski showed up with a whole list of demands for documents. He typed this out and insisted Mrs. Anderson would have to sign a copy of it. She shook her head no and went into her office to consider the list. This was too much for Szumski, who stood in the door of her office shouting at her and ridiculing her for being too high and mighty to speak to the press.

For sheer nastiness, nothing exceeded the furor raised in the *Register* when Dr. Jernigan began to move out of the Commission building, where (along with other staff members who are available to students for

talk and encouragement 24 hours a day) he has lived for many years. Although the previous year of Szumski's life had been directed to getting Dr. Jernigan out of the Commission, there was still mileage to be got out of the move itself. On April 18, a Szumski article titled "Probe Reports on Removal of Blind Records" appeared in the *Register*. Note how the Governor's committee is used to give an illusion of official credence to rumors very possibly generated by Szumski himself. Here is the first part of the article:

"State investigators Monday began reviewing minutes of meetings of the Iowa Commission for the Blind and started checking reports to Governor Robert Ray and others that records have been removed from the Commission building at 524 Fourth Street. Lawyer Pat Cavanaugh, staff chief of a special committee probing the Commission, said reports of records being moved have come to others in addition to the Governor.

"Cavanaugh declined to identify the sources or the recipients of the reports, but he said his staff verified that boxes were hauled Monday from the Commission building to the Randolph Hotel, headquarters of the National Federation of the Blind.

"The Federation's financial ties to the state Commission are a main target of the investigation, whose prime figure is outgoing Commission director Kenneth Jernigan.

"Cavanaugh said Jernigan told him personal belongings were in the cartons moved Monday.

"At a press conference Monday morning, Governor Ray said he had been told late last week of the possibility that some records might be removed from the Commission building. Ray said he relayed that information to Nolden Gentry, chairman of the investigating committee. Later, Gentry said he personally received no such reports and referred a reporter to Cavanaugh, saying he 'was not personally able to check out the reports' of record moving.

"Cavanaugh said his staff verified the

movement of several cartons from the Commission to the Randolph, but did not examine the contents.

"Jernigan and Deputy Director Mary Ellen Anderson declined to tell a reporter what was in the cartons. Later, Anderson called back to say the cartons contained personal effects of Jernigan.

"John N. Taylor, assistant director, who is scheduled to succeed the outgoing Jernigan, said he didn't know what was hauled to the hotel Monday, but he presumed it was Jernigan's personal effects.

"He's in the process of moving out," said Taylor, who declined to say when the process is scheduled to end.

"Added Taylor: 'Mr. Jernigan has a great many personal books and other things of this nature that he has collected over a lifetime, but I don't know what might have been moved.'"

Note Szumski's implication that there might be a cover-up going on between the Governor and the ad hoc committee—each passing the buck to someone else.

The next day, though, Szumski had a story he could really sink his teeth into—an FBI raid on the Commission to search for concealed weapons. Readers who have not experienced the atmosphere of hate and suspicion created in Des Moines by a year's worth of smear articles may have trouble believing that this episode took place at all. How do we get from a last-name policy or a dress code to concealed weapons and the FBI. Surely even the *Register* would express some skepticism about such foolishness. Far from the case. Here is the beginning of the article published April 20. It was written by Szumski, Leavitt, and Healey, and it was titled "FBI Searches Blind Unit's Headquarters," with a subtitle reading "Allegations of guns, 'bugs,' prompt hunt, Taylor says."

"The FBI on Wednesday entered the controversy over past and present operations of the Iowa Commission for the Blind by sending agents on a search of the Commission's headquarters building

in Des Moines.

"Edward Krupinsky, agent-in-charge of the FBI's district office in Omaha, Nebraska, said the Bureau is conducting an investigation at the request of U.S. District Attorney Roxanne Conlin, and that the search came after 'some preliminary investigation.'

"John Taylor, Blind Commission director, said he was told by FBI agents that Wednesday's search was prompted by allegations that illegal electronic listening devices and automatic weapons were in the building.

"At least four agents were in the building for nearly three hours, but seized no property. Their action had the earmarks of a courtesy call, since no search warrants were used and Commission officials apparently had several hours' notice that the agents were coming."

Not only does the *Register* express no incredulity that a Commission for the Blind would be storing up automatic weapons, but the article implies no weapons were found because the staff had time to whisk the weapons off to new caches. To underline the point, the *Register* published an editorial the next day, titled "Slow-Motion Search," that began as follows:

"We would like to be able to agree with John Taylor, director of the Iowa Commission for the Blind, that the search of Commission headquarters Wednesday by agents of the Federal Bureau of Investigation has laid to rest the allegations about illegal activities at the Commission. Unfortunately, the method by which the search was conducted raises even more questions."

The editorial concludes: "Agents seized nothing and Taylor said 'they found nothing.' Regardless of whether anything was found, an equally important question is what might have been found if the FBI had moved at more than slow-motion speed."

Two days later, the *Register* put an article on the front page titled "FBI Shown Intercom at Blind Office." The subtitle was "Had Tip of 'Eavesdropping' at Agency's Headquarters"; the authors were Szumski,

Leavitt, and Healey. The article began:

"FBI agents who searched the Iowa Commission for the Blind headquarters here last week sought and were given a demonstration of a two-way communication system based in the office of the Commission director.

"Federal authorities for several weeks have been investigating tips from informants that a clandestine electronic communications system was set up in the building at 524 Fourth Street.

"Supposedly a flip of a few switches in the director's office would permit eavesdropping and the recording of conversation in many parts of the six-story building."

"But John N. Taylor, who early last week succeeded Kenneth Jernigan as Commission director, said Friday the FBI agents 'didn't see anything wrong with the system.'

"The FBI also uncovered a cache of civil defense supplies above a ceiling at the Commission, and its investigation is continuing. Still there was no mention of the FBI search or investigation Saturday at a meeting of the Governor's ad hoc committee that is examining allegations against the Blind Commission."

Once again the newspaper throws in a hint that the ad hoc committee is ignoring charges and evidence. And what astonishing evidence it was! An intercom in the director's office! It was only after the reader had moved on to the continuation of the article on page 11 that he learned the following: "Taylor described the system as nothing more than 'a school-type intercom, a PA [public address] system.' He said 'there are literally hundreds of these intercoms all over the state. The Des Moines schools have them.'"

And what about the "automatic weapons"? Some years ago, during a remodeling of the Commission building, a crawl space created between two floors was used to store some civil defense supplies. An employee with a rampant imagination had got the idea something sinister was being hid away. When Mrs. Anderson understood what the FBI was searching for, she said,

"I know where he always thought there were weapons stored."

This is the way a reputation is destroyed. This is the way to assassinate a man's character. Perhaps Jerry Szumski and Michael Gartner had deluded themselves into believing the image of Kenneth Jernigan they had built up—the image of a man so evil nothing was beyond his doing, even storing up weapons (no doubt for a final bloody shoot-out when all his misdeeds came to light). But these charges were splashed all over the front page of the *Register* day after day after day. Their effect on Dr. Jernigan's reputation was cumulative and devastating. We have moved beyond trial by the press to sentencing and punishment by the press.

Throughout this same period (late April) the *Register* was also concentrating on a matter introduced earlier in this issue—the fact that a member of the ad hoc committee to investigate the Commission was actually not hostile to the Federation. This was Dale Miller, professor of religion at Drake University, whose son-in-law, Steve Machalow, was a student at the Commission. What happened was this: During the course of a two-hour telephone call to Dale Miller from Jerry Szumski, Szumski asked if it were true Mr. Miller was considering contributing to the Federation. Mr. Miller said it was true he was *considering* such a contribution. He planned no action on this until the committee had finished its work. If he were to contribute to the Federation, Mr. Miller would be one of millions who have contributed over the years. It is not quite the same thing as joining (or even considering joining). Yet in an article by Szumski and David Yepsen, we read:

"Governor Robert Ray said Friday he may ask Dale Miller to step down from a special committee investigating the Iowa Commission for the Blind because Miller said he intends to join the National Federation of the Blind.

"At a press conference, Ray praised Miller as 'honest, sincere, and conscientious,' but said Miller's joining the Federation 'raises

questions in my mind which make him suspect in objectivity.”

Here the *Register* is merely quoting the Governor, although it might be pointed out that Governor Ray was merely bending to pressures instituted by the *Register*. But then the reporters add their own next paragraph:

“Financial ties between the private Federation and the state Commission are under investigation by the committee. Miller told the *Register* earlier this week that a daughter who has a blind husband invited him to join the Federation.”

Finally, as the result of the pressure and publicity, Dale Miller resigned. Then, on April 18, the *Register* had an announcement. Titled “New Member for Blind Probe,” the article read:

“Simpson College president Richard B. Lancaster was appointed Monday by Governor Robert Ray to the committee investigating the Iowa Commission for the Blind.

“Lancaster replaces Drake University professor Dr. Dale Miller, who quit the committee at Ray’s request after it was revealed he intended to join the National Federation for the Blind [sic]—a group involved in the probe.

“Lancaster, 46, had no comment about his appointment or the Commission although he did say he expected to be able to help complete the committee’s work by its early-May target date.

“In making the announcement, Ray said Lancaster ‘brings some excellent credentials to this assignment coupled with objectivity and a keen sense of fairness.

“‘I am delighted he has accepted this position on such short notice,’ Ray said.”

Thereafter, this new committee member assumed prominence in the newspaper coverage. For example, on May 17, the *Tribune* published a front-page story titled “Investigator Criticizes Jernigan” which began:

“Kenneth Jernigan was accused Wednesday of failing to ‘take a peacemaker’s role’ in dealing with competing organizations for

the blind when he was director of the Iowa Commission for the Blind.

“The criticism came from Richard Lancaster of Indianola, a member of the Governor’s committee investigating charges against the Commission in the areas of management, finances, and conflicts of interests.

“The criticism of Jernigan was the harshest to date by a member of the committee, which was preparing a report for Governor Robert Ray that will include several recommendations concerning the state agency.”

It is interesting that the paper should raise the question of “conflict of interest.” The *Register’s* idea of a conflict of interest is a little out of the ordinary. The general definition of the term applies to a situation where a government official makes decisions beneficial to a private firm at the same time he is receiving money from the firm. An example is the situation at the NAC-accredited Minneapolis Society for the Blind some years ago where the president of the Society’s board awarded a building contract to his own firm. A few members of the Iowa Council of the Blind attempted to make Dr. Jernigan’s presidency of the NFB appear to be such a conflict of interest (despite decisions by the courts that it was not).

Now it seems Dale Miller was guilty of such a conflict. His crime was that his daughter asked him to join the PAC Plan and he—craven villain that he must be—agreed to think about it. Yet Dr. Miller was asked to resign, according to the *Register*, “after it was revealed he intended to join the National Federation of the Blind—a group involved in the probe.”

The conflict of interest credited to Dr. Miller apparently was the following: By virtue of the NFB’s having the prospect of a contribution from Dr. Miller, the Commission would be able to control Dr. Miller. Or maybe his son-in-law, obviously being a creature hypnotized and programmed by the Commission, would be the instrument of control. It’s all a little vague.

But then we look at Dr. Lancaster, the

president of Simpson College. Does he have any ties to "a group involved in the probe"? As Mrs. Bonnell pointed out at the dinner, his ties to the *Register* are not hard to find. Michael Gartner, the president and editor of the *Register*, is a member of the Simpson College executive council and board of trustees. Kenneth MacDonald, a member of the *Register* board is also on the board of trustees of Simpson. And Luther L. Hill, Jr., another member of the *Register* board, is chairman of the Simpson board. A *Register* article reporting Dr. Lancaster's defense of not mentioning the matter earlier, quoted his saying: "'Obviously I feel that I can make a fair and impartial judgment,' he said. 'I don't think that the fact that a couple of my board members are associated with the *Register* and *Tribune*—out of more than 40 board members—I just don't think that's an undue influence.'"

Despite these brave words, it is hard to see how the newspaper could have any greater influence over Dr. Lancaster. The president of a college is the creature of the board that hires him. It's strange, though, that the *Register* was not able to dig up this connection, particularly since the entire staff from top to bottom seemed directed to ensuring that the ad hoc committee stayed clean. They never even got wind of the financial contributions—outright gifts of money by the *Register* and *Tribune* Company to Simpson College. Since the paper's editors are so fond of saying they only report the news, never slanting it in any way, we can only assume the reporters never learned about these things.

Since the *Register's* reporters had missed the story, the *Monitor* decided to find out what the facts were. We called Dr. Lancaster, who stated right off that he was sure the *Register* contributes. Then he added that, of course, there was the Cowles Center. But he didn't have the figures and he put us in touch with a Mrs. Keeney who he said would have them. Mrs. Keeney told us the *Register* had contributed to a business fund to support college operations. Then she explained a little about the Cowles Foundation contri-

butions. The Foundation has been giving money to the college since 1934. In a recent fundraising drive for a new physical education center, the Foundation was the largest single donor—hence the name Cowles Center. But Mrs. Keeney stopped short when we asked how much these contributions had been. We suggested she might like to check with Dr. Lancaster before telling us. She did so and reported they had decided it was not public information. She suggested we contact the contributors themselves.

We then called Michael Gartner, president of the *Register* and also, of course, trustee of Simpson College. At first Mr. Gartner was all cordiality. He got some records and told us the *Register* has contributed \$2,000 to Simpson this year. Then as he explained that last year's figures weren't available, Mr. Gartner's manner cooled. He asked if we thought there were some comparison between Dr. Lancaster's connection to the *Register* and Dr. Miller's to the Federation. We said we thought it was an inevitable comparison. He then asked for the membership list of the National Federation of the Blind (he later reduced this to just the members of the NFB of Iowa). After a short discussion, we asked again: "So you refuse to say how much the *Register* contributes to Simpson College?" Mr. Gartner said yes, but that he hoped we would be honest enough to publish his condition for the information—the NFB of Iowa members for the amounts of the donations.

Next we looked into this shadowy other entity called the Cowles Foundation. The *Foundation Directory* indicated that the president of the Cowles Foundation is one David Kruidenier. We called the number for the Foundation and discovered we had reached the publisher's office in the *Register* building. Not that the woman answering the phone volunteered this information; when she learned who we were, she told us she couldn't tell us the amounts over the phone. Most foundations, of course, brag about their gifts to universities. Yet here was a foundation spokesman who wouldn't talk to a reporter from a magazine she

knew very well. What were they all hiding? A little more investigation revealed that David Kruidenier, president of the Cowles Foundation, is also publisher and chairman of the board of the *Register*. The vice-president of the Cowles Foundation is Kenneth MacDonald, and its secretary is Luther L. Hill, Jr. If these names ring a bell, it is because both men are trustees of Simpson and officers of the *Register*. Here then is an interlocking series of boards—Simpson, the *Register*, and the Cowles Foundation. None of them would tell this reporter the amounts of money flowing among them, although Simpson admits it is substantial. You'd think if there is nothing illegal going on, these people would be glad to have the matter examined in the press. Their hostility to the *Monitor* is the most suspicious thing of all; after all, we just report the news. Perhaps another 98 articles will see the mystery cleared up.

Although the conversations and facts reported in the last few paragraphs are true, the tone is inappropriate to the information relayed. One might almost call it malicious. Yet this is the tone of *Register* editorials and even news columns for the last year. (For example, in what purported to be a news column, the *Register* wrote that the Commission board minutes were "loaded with puffery and bombast from . . . Kenneth Jernigan.")

Nobody questions for a minute that the gifts by the *Register* and the Cowles Foundation are ethical and laudable or that Simpson uses them well. Yet the relationship can be described in a way that would attract the FBI. The relationship between the Commission and the Federation is just as aboveboard and praiseworthy, and just as obviously so. It is only by constant twist-

ing of the truth and relentless reiteration that the *Register* made the relationship appear questionable.

But although the connection between the newspaper and the college is not questionable, the relationship between the college, the newspaper, and a committee investigating charges raised by the paper is another matter. Despite Dr. Lancaster's talk of "a couple" of board members out of more than 40, those "couple"—Gartner, MacDonald, and Hill—speak with the voice of the *Register* and the Cowles Foundation, the college's major single source of contributions. To put it bluntly, Dr. Lancaster would be doing a bad job as Simpson College president if he were to jeopardize their contributions. And if he thought for a moment that the *Register* might not use the tool of coercion open to it, he had only to remember the brutal treatment accorded to others in Iowa who tried to withstand the paper's pressure. The very investigating committee Dr. Lancaster was sitting on was an example.

Despite the best attempts of many of the people involved, however, the ad hoc committee report turned up nothing worth mentioning, much less waging a press war for. Following this article, we reprint the bulk of the committee's report, as well as a transcription of the discussion that took place when the committee was questioned about the report by Governor Ray. But the substance of the report and the meeting was summed up by the Governor when he said: "It would appear to me that there has been a vindication, and many of the charges and allegations that were made did not carry with them very much in the way of foundation." The statement is a fitting summary of the whole affair. □

THE FINAL REPORT OF
THE GOVERNOR'S AD HOC COMMITTEE
ON THE IOWA COMMISSION FOR THE BLIND

On May 26, the ad hoc committee appointed by Governor Robert Ray to investigate the charges raised against the Iowa Commission for the Blind and Kenneth Jernigan by the Des Moines *Register*, NAC, several state legislators, members of the Iowa Council of the Blind, and a few former staff members of the Commission, published its final report. As has already been discussed, the proceedings of the ad hoc committee have been tainted in virtually every way possible. The interference acted to pressure the committee into coming out with a report that backed up the charges and condemned the Commission.

If their statements quoted in the *Register* can be credited, at least three members of five-member committee held strong biases against the Commission. Yet when it came to agreeing on an official report the conclusions of which would have to bear some relation to evidence, the result was revealing. The serious charges were refuted. None of the wholesale diversion of public funds implied by the *Register* for months was actually taking place. Then there were the charges that can be categorized as matters too petty to warrant the serious consideration of adults. The committee studied these, and some of its recommendations fall into the same category as the charges. And there were charges, and recommendations to deal with them, which show a profound misunderstanding of programs for the blind, or constitutional rights, or both. But when you boil it all down, the committee found nothing. They put the best face on it, but the fact remains. The Iowa Commission for the Blind and its director and staff committed no illegal acts. There was nothing to hide from the *Register*—which, of course, explains the extreme frustration of its indefatigable investigative reporters. This is our judgment, but so that *Monitor* readers may judge for themselves, we reprint the

bulk of the report in full. We omit the "Executive Summary"; Section I—Introduction; Section II—Operative Procedures; and the background information which begins Section III—Conflicts of Interest. This background provides a history of the Federation and the other groups being investigated—history that is better known to Federationists than to the committee. Beginning with the "Findings and Recommendations" of Section III—Conflicts of Interest, we reprint the rest of the report in full.

(1) Did Commission officials discriminate in providing services to the blind by favoring members of the National Federation of the Blind?

Findings of Fact: (a) Investigation of particular complaints of discrimination in providing services indicates that services have been provided by the Commission for the Blind without regard to NFB membership, although based on a survey of Iowa vendors by the committee, 20 of 27 vendors are NFB members.

(b) Because the committee was denied a list of Iowa NFB members by the Iowa Chapter of the NFB, the committee was unable to determine if NFB members got a disproportionate amount of services.

(c) Based on the committee's informal sampling of the Commission's client records, services seem to have been provided according to individual client needs.

Recommended Action: (1) To avoid potential conflict, the Commission should recommend against any officer or key official of the Commission for the Blind serving any private organizations for the blind in any position where the nature and the duties of the two positions are such as to render it improper based on considerations of public policy for one person to retain both offices.

- (2) Have state facilities, equipment, and supplies been improperly used for the benefit of Services for the Blind, Inc., the National Federation of the Blind, other private blind organizations with which Commission officials are associated, or for the personal use of Commission officials?

Findings of Fact: (a) Commission facilities, equipment, and supplies have been used for the benefit of Services for the Blind, Inc., National Federation of the Blind, and the American Brotherhood for the Blind. Such use has included storage of private organization's records [sic], preparation of correspondence on state equipment, and use of the Commission as permanent mailing address for these private organizations.

(b) Although the magnitude of such use is impossible to determine with precision, evidence available to the ad hoc committee indicates such use has been relatively minor, but continual for several years.

(c) State equipment and facilities have been regularly used, though to a relatively minor extent, for conducting personal business of past Commission officials.

(d) The National Federation of the Blind of Iowa Credit Union uses state facilities:

(1) The NFBI Credit Union pays for its own separate telephone service into the Commission building.

(2) The NFBI Credit Union's records are stored in and its business conducted in the Commission for the Blind building.

(3) Although there is no prohibition against the credit union being housed in a state government building, the NFBI Credit Union is the only private credit union housed on state property. Space for the credit union is provided free of charge by the Commission.

(4) The NFBI Credit Union services are available to only NFB members, whether they are sighted or not.

(5) Employees of the Commission have available to them the services of the State Employees Credit Union.

(6) All blind Iowans could serve as an identifiable group for eligibility to establish a credit union.

(e) The 28-E agreement between the Commission and the National Federation of the Blind permits the use by the NFB of state facilities and equipment; however, the agreement does not specify the permissible extent of such use.

Recommended Action: (1) The use of the Iowa Commission for the Blind facilities, equipment, and supplies, by private organizations ought to be subject to specific 28-E agreements with such organizations or, when appropriate, rules promulgated under the Iowa Administrative Procedure Act, Chapter 17-A, Code of Iowa (1977).

(2) The Commission should revise the existing 28-E agreement with the National Federation of the Blind to specify the obligations of each organization, the joint activities to be undertaken by those organizations, the budget and relative contributions of each party to those activities, the membership and powers of the joint board to periodically review the administration of any such 28-E agreement, and to authorize the periodic auditing of the records of such transactions.

(3) The Commission should adopt a policy regarding use of state equipment and facilities for the regular conducting of personal business by the Commission and its employees.

(4) To avoid potential conflict, the Commission should recommend against any officer or key official of the Commission for the Blind serving any private organizations for the blind in any position where the nature and the duties of the two positions are such as to render it improper on considerations of public policy for one person to retain both offices.

(5) The Commission should prohibit the publication of the Commission's building address as the mailing address for any private organization.

(6) The NFBI Credit Union should not be housed free of charge on state property.

(7) If the Commission for the Blind determines that credit union services ought to be provided to blind people and their families, those services ought to be made available without regard to affiliation with private organizations.

(3) Have state employees improperly worked for the benefit of the National Federation of the Blind, other private blind organizations with which Commission officials are associated, or for the personal use of Commission officials?

Findings of Fact: (a) Several Commission employees have done extensive work during normal working hours for the National Federation of the Blind and, to a lesser extent, for other organizations for the blind. Some of this work was done immediately prior to and in conjunction with the national NFB conventions. Although the value of such services cannot be estimated with precision, evidence available to the committee indicates pay for such work has not constituted a significant portion of the Commission's total salaries.

(b) A majority of Commission employees attend National Federation of the Blind conventions each year paying their own expenses, but receive salary without charging vacation or other leave.

(c) The National Federation of the Blind of Iowa Credit Union employees are also Commission employees and those employees perform NFBI Credit Union duties during normal Commission working hours.

(d) It is appropriate and reasonable for employees of the Iowa Commission for the Blind to work during state time with private organizations for the blind for common goals and objectives if such activities are done with accountability and the notice and knowledge of the Iowa Commission for the Blind.

(e) In the past state employees have occasionally been used to conduct personal business of former Commission officials.

Recommended Action: (1) The use of Iowa Commission for the Blind employees for purposes of private organizations for the

blind ought to be made subject to 28-E agreements with such organizations or, as appropriate, rules promulgated under the Iowa Administrative Procedure Act, Chapter 17-A, Code of Iowa (1977).

(2) The Commission should adopt a policy regarding use of Commission employees for conducting of personal business of Commission officials. Such policy should recognize the special considerations associated with those staff members who reside in the Commission building.

(3) To avoid potential conflict, the Commission should recommend against any officer or key official of the Commission for the Blind serving any private organizations for the blind in any position where the nature and the duties of the two positions are such as to render it improper based on considerations of public policy for one person to retain both offices.

(4) The Commission should establish a policy of expense reimbursement for any Commission employee who is required to attend conventions or meetings.

(4) Were gifts and bequests to the Commission for the Blind redirected to the National Federation of the Blind or other private blind organizations with which Commission officials were associated?

Findings of Fact: (a) The records of contributions to the National Federation of the Blind, Services for the Blind, Inc., and American Brotherhood for the Blind were requested of those organizations by the committee; such requests were denied.

(b) There is insufficient evidence to conclude that funds donated to the Commission were regularly and systematically redirected by Commission officials to private organizations with which Commission officials are associated.

(c) Gifts were received by the Iowa Commission for the Blind; in fact, over the nine-year period ending June 30, 1976, the Iowa Commission for the Blind received gifts and bequests of approximately \$5,000 per year.

(d) The Director and other Commission

for the Blind officials regularly make suggestions as to whether it is more appropriate for gifts and bequests to be made to the Commission or to one or more other organizations for the blind with which Commission officials are associated.

(e) The unsolicited recommendation by the director or other Commission officials that gifts or bequests be made to blind organizations in which that director or Commission official is an officer, holds position of management, or has a financial interest, would constitute a conflict of interest under the standard adopted by the ad hoc committee.

Recommended Action: (1) To avoid potential conflict, the Commission should recommend against any officer or key official of the Commission for the Blind serving any private organizations for the blind in any position where the nature and the duties of the two positions are such as to render it improper based on considerations of public policy for one person to retain both offices.

(5) Was Commission chairman Hemken's sale of insurance to the Commission, Commission employees, and Commission vendors proper?

Findings of Fact: (a) Mr. Hemken's sale of vehicular insurance to the Commission was discontinued in 1970; however, Mr. Hemken has continued to and still does sell the Commission its comprehensive employees bond coverage at a cost of approximately \$65 per year. No bids were taken for the sale of this bond coverage.

(b) Mr. Hemken sells insurance to the majority of vendors in the Commission's Business Enterprises division.

(c) Mr. Hemken sells insurance to a small number of Commission employees.

(d) Under the Iowa statutes relating to conflict of interest of public officials, there was no illegality by Mr. Hemken in his sale of insurance.

(e) Mr. Hemken takes no active role in the hiring, firing, or promotion of employees or the establishment of employee policies, or the selection of vendors or the estab-

lishment of vendor policies.

(f) There is not sufficient evidence to establish there has been coercion of blind vendors to purchase insurance from Mr. Hemken, particularly in the absence of Mr. Hemken's direct oversight with respect to vending operations.

(g) There is not sufficient evidence to establish there has been coercion of Commission employees to purchase insurance from Mr. Hemken, particularly in the absence of the exercise of direct supervision and oversight by Mr. Hemken of employees or policies affecting employees.

(h) Because Mr. Hemken has the authority under law to take official actions which could significantly affect the employees and vendors of the Commission, there is a conflict of interest under the standard adopted by the ad hoc committee.

(i) Mr. Hemken's sale of Commission employee bond constitutes a conflict of interest under the standard adopted by the ad hoc committee.

Recommended Action: (1) While a member of the Commission, Mr. Hemken should not provide insurance coverage to the Commission, its employees or blind vendors.

(2) The committee recommends that the Governor review the need for ethical standards relating to business transactions between a public official and employees or clients of the agency in which the official has a position of management or authority.

(6) Did Commission officials' association with the National Eye Care Association, Inc., and its parent corporation, Healthy Eyes Program Corporation, constitute a conflict of interest?

Findings of Fact: (a) Healthy Eyes Program Corporation is a for-profit corporation incorporated and organized under the laws of the State of Iowa and its subsidiary, National Eye Care Association, Inc., is a for-profit corporation incorporated and organized under the laws of the State of Illinois.

(b) The purpose of NECA was and is to promote regular eye check-ups.

(c) Mr. Jernigan was not one of the three original organizers of the Healthy Eyes Program Corporation, but he was one of the 32 additional investors in the corporation and served as vice-president of the board of directors of that corporation.

(d) The only monies that Mr. Jernigan received from the Healthy Eyes organization was expense reimbursements totaling \$255.

(e) Mr. Jernigan nominally served as president of NECA and as vice-president of Healthy Eyes Program Corporation until he resigned those positions on November 1, 1977, and had not attended any meetings of the respective boards of directors.

(f) On November 28, 1977, Mr. Jernigan placed his Healthy Eyes Program Corporation stock (amounting to an initial investment of \$18,000) in a trust over which he had no direct control during his tenure as Commission director and in which trust he has specified that any income earned during that tenure was to be donated to six named charities. To date, no such income has been realized.

(g) Commission deputy director, Mary Ellen Anderson's organization work for Healthy Eyes Program Corporation was done during vacation leave.

(h) Although Mr. Jernigan's reputation with the blind organizations throughout the country is considerable, it is difficult, if not impossible, to separate those circumstances in which individuals are influenced to invest in or otherwise participate in the organization because of Mr. Jernigan's national reputation in the blind community or because of his authority to influence decisions affecting those investors.

(i) Because of Mr. Jernigan's authority to influence decisions which may have affected individuals whose investments were solicited, Mr. Jernigan's association with Healthy Eyes Program Corporation and NECA constitute a conflict of interest under the standard adopted by the ad hoc committee.

Recommended Action: (1) Because Mr. Jernigan divested control of his investment in Healthy Eyes Program Corporation, has

resigned the presidency of NECA and the vice-presidency of Healthy Eyes Program Corporation, and has resigned as director of the Iowa Commission for the Blind, no recommendation is deemed necessary.

(2) The committee recommends that the Governor review the need for ethical standards relating to a public official's allowing his name to be used in promoting for-profit organizations.

IV. MANAGEMENT PRACTICES

(1) Are employee grievance procedures at the Commission for the Blind reasonable and adequate?

Findings of Fact: (a) All employee positions (approximately 120) at the Commission for the Blind are exempt from Chapter 19-A, "the Merit Employment Act," and Chapter 20, "Public Employment Relations," Code of Iowa (1977).

(b) The Commission has a published employee grievance procedure whereby grievances are first taken to the employee's supervisor, then appealed to the director, and then to the full Commission.

(c) Decisions with respect to hiring, firing, promoting, and compensating employees are made by the director in consultation with appropriate supervisory personnel and department heads.

(d) The Commission's existing grievance procedure does not include an external appeals board. This procedure may deter employees from presenting legitimate complaints.

Recommended Action: (1) Although the committee does not wish to question the legislative decision to exempt the Commission from the Merit Employment System, the committee recommends that the Commission's employee grievance procedure utilize the Merit Employment Commission as external administrative review panel of last resort.

(2) Are grievance procedures in the Commission's Business Enterprise division reasonable and adequate?

Findings of Fact: (a) The Commission has a

published grievance procedure for vendors in which any vendor complaint arising from the operation or administration of the vending facility program is to be made to the vendor's supervisor, then appealed to the director or his designee and then appealed in accordance with the Randolph-Sheppard Act, to a three-member panel convened by the Secretary of the Department of Health, Education, and Welfare.

(b) The Commission's established vendor grievance procedures represent a careful accommodation of interests and are reasonable.

(c) The Commission has no formal procedure to notify vendors of new vending opportunities or to solicit all potential applicants for such operations.

Recommended Action: (1) The Iowa Commission for the Blind should establish a formal procedure for notifying all vendors and potential vendors of the availability of new localities for vending operations, any minimum requirements of applicants for such locations, and notification of the results of such selection.

(2) With respect to any vendors whose operations are taken over by the Commission in receivership-type arrangements, the Commission should provide to such vendor a monthly accounting of all receipts and expenditures.

(3) The members of the Iowa Commission for the Blind should assume a more active role in the development and implementation of policies regarding vendor operations.

(4) The committee recommends that the Governor review the need for amendment to Chapter 601-C, the Code 1977, to conform to the requirements of the Randolph-Sheppard Act.

(3) Has the Commission for the Blind complied with the Open Meetings Law?

Findings of Fact: (a) The committee is not satisfied from the information provided to it that the notices of Commission meetings are fully in accord with requirements of the Open Meetings Law.

(b) The Commission does meet regularly in January as prescribed by Chapter 601-B, Code of Iowa (1977).

(c) The Commission maintains minutes of its regular meetings as prescribed by Chapter 28-A, Iowa Open Meetings Law, Code of Iowa (1977).

Recommended Action: (1) Because the committee has received assurances from the Commission and its director that notices of future meetings of the Commission will be provided in a more orderly fashion which meets the letter and spirit of the Open Meetings Law, no action is recommended. The committee wishes to note that because violations of the Open Meetings Law could result in possible criminal charges, it has not made any finding of illegality because such would be prejudicial to the rights of the Commission.

(4) Is the Commission's guide dog policy reasonable?

Findings of Fact: (a) The Commission permits guide dogs to be used in the building by users of services other than the orientation center.

(b) Because of the expressed desire to instill independence in students at the orientation center, guide dogs for such students are prohibited by the Commission.

(c) To the extent the Commission facilities are used for overnight guests, guide dogs are permitted.

(d) It is within the discretion of the director and the orientation center director to exclude guide dogs from the orientation center and to exclude use of dogs by students in that center.

No Recommended Action

(5) Are the Commission's name and dress codes reasonable?

Findings of Fact: (a) As a general policy the Commission requires all employees to address each other by their formal address of Mr., Mrs., or Miss and appropriate surname.

(b) As a general policy the Commission requires women to wear dresses rather than

pant suits.

(c) These policies are not formalized by the Commission.

Recommended Action: (1) The Iowa Commission for the Blind should review its traditional policy of dress codes for employees in light of recent federal court cases relating to such policies. After the Commission has completed such review, any policies promulgated with respect to employee dress codes should be written and available to the employees.

(2) The Iowa Commission for the Blind should similarly review the dress code policy as applied to students in the orientation center and determine whether it is appropriate to formalize such policies under the rule-making provisions of the Iowa Administrative Procedure Act, Chapter 17-A, Code of Iowa (1977).

(3) The Iowa Commission for the Blind should review its name code and determine whether it is appropriate for that policy to be formalized through the rule-making provisions of the Iowa Administrative Procedure Act, Chapter 17-A, Code of Iowa (1977).

(6) **Has the Commission engaged in telephone bugging, electronic eavesdropping, and maintenance of illegal automatic weapons?**

The committee has had referred to it charges that the Commission has possessed and uses electronic eavesdropping devices and illegal wiretap devices in the Commission building. In addition, it has been alleged that illegal automatic weapons have been stored on the premises of the Commission. Complaints emanating from sources other than this committee resulted in a search of the Commission facility by the Federal Bureau of Investigation. It appears that this allegation is the subject of pending investigatory action. Therefore, the committee feels it is inappropriate to make any findings with respect to those allegations.

(7) **Did the Commission intentionally open personal mail of its employees?**

Findings of Fact: (a) Mail sent to the Iowa

Commission for the Blind is opened in mass; however, the Commission has a practice of sorting but not opening those letters and parcels which are marked 'personal,' 'to be opened by addressee only,' or similar identification.

(b) There is no evidence before the committee to indicate personal mail has been intentionally opened by Commission staff.

No Recommended Action

V. FINANCIAL MANAGEMENT PRACTICES

(1) **Are the inventory control procedures employed by Iowa's Commission for the Blind reasonable, appropriate, and in accord with the law?**

Findings of Fact: (a) The equipment used by Commission staff and students in the orientation center is fully and properly inventoried according to state regulations.

(b) Items of equipment provided by the Commission for the Blind to blind vendors through the rehabilitation services program is properly tagged as state equipment and inventoried according to applicable regulations.

(c) Other equipment purchased by the Commission for the Blind to assist vocational rehabilitation is not identified as state property and is not systematically inventoried, including the final disposition of such equipment when no longer used by or useful to the client.

Recommended Action: (1) The manner by which equipment for vocational rehabilitation is inventoried should be improved to assure that all equipment is being used for the purposes intended and by those individuals whom the Commission found to have a need for it. Such improvements might include tagging individual items as state property, periodically verifying the location of the property and its use, assuring that the individual using the property is eligible under the requirements of the Commission, and improving the system to effect the return of vocational rehabilitation equipment at its fair market value at the time of final disposition.

- (2) Is the financial relationship and dealings between the Iowa Commission for the Blind and the National Federation of the Blind, the American Brotherhood for the Blind, and Services for the Blind, Inc., reasonable and in the public interest?

Findings of Fact: (a) Based on reviews of Commission documents by representatives of the State Comptroller and the Auditor of the State, no state funds were directly paid by the Commission to any of the three named private blind organizations within the past two years, the period covered by such reviews.

(b) As has been noted earlier, the Commission for the Blind and the three named private blind organizations have engaged in some mutually beneficial activities; however, there is no evidence available to the committee indicating financial records have been maintained to identify the nature and extent of that relationship.

(c) Given the fact that no direct transactions involving payment of state funds to those organizations has occurred, at least during the period investigated, the ad hoc committee has been unable to discover any evidence to show that the public's trust has been breached.

Recommended Action: (1) Any future transactions between the Commission for the Blind and the three named private blind organizations should be undertaken pursuant to 28-E agreements which specify the obligations of each organization, the joint activities to be undertaken by those organizations, the budget and relative contributions of each party to those activities, the membership and powers of the joint board to periodically review the administration of any such 28-E agreement, and to authorize the periodic audit of the records of such transactions.

(2) To avoid potential conflict, the Commission should recommend against any officer or key official of the Commission for the Blind serving any private organizations for the blind in any position where the

nature and the duties of the two positions are such as to render it improper based on considerations of public policy for one person to retain both offices.

- (3) Is a federal audit of Commission financial records necessary or appropriate?

Findings of Fact: (a) Although the Department of Health, Education, and Welfare is the major source of funds for [the] Commission for the Blind; it has not conducted a "dollar-in, dollar-out" audit of the Commission's financial records and practices since 1965.

(b) HEW has performed program audits on a periodic basis of particular phases of the Commission's operation.

(c) The audit of Commission records performed annually by the Auditor of the State reviews disbursements of all federal funds received by the agency, but cannot review compliance with current federal guidelines for financial management practices until those guidelines are established by a federal audit.

(d) There were significant changes in federal guidelines in the early 1970's and minor changes have occurred in succeeding years.

Recommended Action: (1) Because no federal audit of Commission financial practices has occurred in 13 years to provide a needed revised basis for state audit of federal funds and in recognition of the change in Commission directors, the committee recommends a federal audit be requested.

The same day the ad hoc committee approved this final report, a meeting was held to present the report to Governor Ray. At the meeting were the members of the Commission board, four of the five members of the ad hoc committee, the committee staff, and a number of others—one of whom, Mark Nemmers, president of the NFB of Iowa Student Division, made a recording of the meeting. The questions put to the committee by the Governor and their answers add considerably to the picture of just how groundless the whole furor had been. The tape recording is inaudible in some parts,

and this is indicated in the following transcription. In each case, the inaudible parts lasted about a second, so no more than one or two words were lost. Also, it was occasionally difficult to tell who was speaking. The Governor's voice and that of Nolden Gentry, the committee chairman, were always identifiable. However, the words of Dr. Lancaster and David Schaff may occasionally be assigned to the other. Committee member Christine Hansen speaks only once. The "Pat" referred to is staff lawyer Pat Cavanaugh. Committee member Marilyn Staples was not present. As you will see, these problems of identification do not interfere with the sense of the meeting. We have omitted the introductory remarks and thanks, but the rest of the meeting is printed here verbatim.

Governor Ray: The report is basically what we read about in the newspaper a week ago?

Nolden Gentry: That's correct—about the 17th of May, I think.

Gov. Ray: So the report as it is now finalized isn't a great deal different from the one that was preliminarily advanced, as far as the press having access to it.

Robert Lancaster: Some modification of language and adjectives—and they could be important—I don't mean to say that words aren't important; but it's essentially that report.

Gentry: On page one of the Executive Summary, we kind of relate our findings there. We found that there was instances of state equipment, facilities, and employees which were used for the benefit of private organizations. We found that that was relatively minor in the context of the overall program of the Commission, that that use of state employees, equipment, facilities has continued down to the present time.

Gov. Ray: All right, but now the private organizations you're talking about—are those also related to helping the blind?

Gentry: This is correct.

Lancaster: Okay, we were unable to discover any evidence which would indicate that the public's trust has been breached by the

Commission or Commission employees.

Gov. Ray: I would think that's rather significant. Would you consider that a very significant point in your report?

Gentry: We felt—or I felt personally that it was very significant in view of the—some of the allegations that were being leveled at the Commission at the time that we were appointed and subsequent thereto. We were further unable to discover sufficient evidence that gifts or bequests to the Commission had been regularly directed or redirected by the Commission to private blind organizations. This allegation, we felt, was one of the most significant allegations that came to us. We were not able to find any sufficient evidence to substantiate that.

Gov. Ray: Were you able to follow up on any specific complaint that anyone might have had in this regard?

Gentry: No, we really weren't. We attempted to obtain income tax records for the private organizations that were supposedly involved. We obtained copies of their 990 tax returns. However, those forms just listed the total moneys received in the way of contributions and not individual donors. Persons making the allegation were unable to provide to us names of any donors in which this situation had occurred.

Gov. Ray: So no one had a specific complaint that named somebody or some organization where their gift might have been diverted?

Gentry: That is correct.

David Schaff: We had charges from at least one staff person that this has happened—former staff person. And she could not and we could not get evidence of acts or any specific records to substantiate it. Mr. Jer-nigan, for example, wasn't at all sure it hadn't occasionally happened; but he said it happened with no regularity and with no specific intent to circumvent the Commission. That's why we added the words "regularly redirected."

Gov. Ray: Nobody came forth—even with all the publicity—to say that their contribution did not go to the right place, or that

this had happened to them?

Gentry: No. No one came forth with any information of that nature.

Gov. Ray: All right.

Gentry: Our fourth general finding was that Mr. Hemken's—or Chairman Hemken's—sale of insurance to the Commission blind vendors and Commission employees—although it is legal—we feel that it is a conflict of interest under the test that this committee adopted, which is basically the test set forth in your—the Governor's ethics task force, and so we embodied that test in terms of using that as a backdrop in our work.

Gov. Ray: In all fairness to Mr. Hemken, though; he has not then done anything that's illegal or that has been improper as far as any rules, statutes, or anything else?

Gentry: No, that is correct.

Gov. Ray: What you're recommending is that because of what our task force has suggested, that it would be wise for him to follow that?

Gentry: That is correct. We felt that the grievance procedure for the blind vendors appeared to provide all of the procedural safeguards to protect the interests of the vendors. However, we felt that the employee grievance procedure should be improved.

Gov. Ray: Do you make any recommendations in your report how you think that could be done?

Schaff: We—on the vendor grievance procedures, we added the word "appeared" to be adequate, because there haven't been hardly any test cases, and there's one sort of in the works now, I believe. So that the procedure is there. If it works, then it'll be adequate.

Gov. Ray: But you don't have any record or any opinion about whether it will or will not work. Am I correct on that?

Schaff: Really, right now is one of the first really test cases. And it's in the machinery and the procedure appears adequate. We'll see.

Gentry: Our last finding was that the equipment inventory procedures at the Commission are generally adequate, but should be

improved with respect to certain vocational rehabilitation equipment that might be purchased for Commission clients by the Commission.

Gov. Ray: Purchased or rented or on loan?

Gentry: Well, that's a difficult situation because in some instances the equipment *can* be given away in its entirety. In some instances it is, and in some instances it is not. And we feel or felt that in those situations where it is not given, that there ought to be some inventory taken of that equipment to ensure that it has continued to be used for the purposes for which the Commission originally acquired it.

Gov. Ray: In other words, Nolden, what you're saying is that if someone qualifies and is given the equipment, which is the purpose for which the program exists, that's fine. But you would like have some way to make sure that it is used for the purpose for which it is given, and not just that someone takes it and then disposes of it, which would actually defeat the purpose of it.

Gentry: That is correct.

Lancaster: I think in some cases it wasn't even clear that it was given. That expression of loaned or given or being used for is a little vague. And I think what we're saying is that those inventory procedures should be just quite clear whether this is loaned or given or the final disposal of these ought to be very clear.

Gov. Ray: You're saying the recipients might not have known with certainty whether it was on loan or whether it was given.

Schaff: It's not a question of use so much, though, as it was a question of inventory procedures for its return when the use had terminated.

Lancaster: Yes, and that was the question of whether they owned it or the Commission owned it or the state or how.

Gov. Ray: Well, were you satisfied then that when the equipment was placed in a home, it really was there where it needed to be? There was a valid reason for it to be there. You didn't find any question about that?

Gentry: No question whatsoever.

Lancaster: We didn't find any evidence of equipment being misused. We just didn't find good inventory control.

Gentry: On page roman one there, Governor, we set forth some of our general recommendations. In item number one—We feel that it is entirely appropriate for the Commission to work with private organizations to pursue common goals. However, we feel that it is in the best interests of the Commission if those joint ventures be taken under the scope of 28-E agreements which specify a scope of service and articulate the relationships with the two agencies. In item number two—

Gov. Ray: Look, Nolden, would that pertain to all circumstances? If there were an agency—well, I guess I'm broadening the scope here; let's take the Blind Commission. If there were an organization outside that might work on a special project with the Blind Commission on a single venture, would you recommend that a 28-E agreement be drafted just for that one project?

Schaff: I don't think that we would recommend that just for one project, and I think as we get further into the recommendations we talk about continual joint ventures. The concern that I have and I think the concern that the committee had was that a rather long relationship existed between the Commission and the National Federation; there was no way really to monitor that. There were times when Commission employees did work that could possibly have been characterized as a project of a joint nature; but at that point in time many persons who might criticize would say it was NFB work, and so we felt that the terms of 28-E agreements should be specified so that it clearly covers those circumstances in which Commission employees would be doing work on a joint purpose even though it may be under the aegis, so to speak, of the National Federation. And we felt that that would keep—would remove all questions in the public's mind with regard to the relationship.

Gov. Ray: Well, as a matter of fact, a foot-

note might well be that if there had been an agreement with more detail, that some of these criticisms might not have had a base at all because they could have gone directly to there and said: This is spelled out specifically. Even though there had been a 28-E agreement.

Gentry: That is correct. Item number two deals with the role that key Commission officials should serve as officers in other organizations, private organizations for the blind. This is, I think, a most difficult area because we recognize the constitutional rights of the employees of the Commission for the Blind. However, we think that in certain circumstances there is some incompatibility with a person serving as a Commission official and an officer in some of the blind organizations which would tend to make it against public policy for one person to hold these two positions. It's somewhat akin to the old theory in law, Governor, of incompatibility of offices. And we know that this will have to be measured on a case-by-case, situation-by-situation basis; but we feel that the Commission should be mindful of this problem.

Gov. Ray: Let me see if I understand what you're saying. By way of an example, if the director were the chairman or a president of an association of directors in all the states, you'd find no incompatibility there. But if he were a director of, say, the Blind Commission and also the president of another association at the same time, where the two had a 28-E agreement, you might find that there would be some incompatibility.

Schaff: I think that in that situation, the policy-making being involved and policy-making in determining programs and things, would present some questions where I feel it might be a—

Lancaster: I think what we're concerned about is that some of the concerns—certainly when you're granting contracts for services or equipment under a 28-E agreement or some other way, then the difficulty that we have with when an officer is an officer of that private organization

being so recognized, what about other organizations and what degree of objectivity can the director or the officer—they may not always be the director—what can they bring to their judgment here when they grant those contracts or give that kind of equipment or provide that kind of service. That was a part of our concern, if they're also then an officer of the organizations to which they're making the benefits.

Gov. Ray: What you're saying is that you have two parties to a transaction and there is a controversy between the two, which one is being represented. Or does that same director or chairman or president of one speak for which. And you can have a conflict. But who would make that determination—when it would be acceptable and when it would not. Do you make a recommendation?

Gentry: We suggested the Commission review this as it would relate to their employees and their officials, and that they make a determination on a situation-by-situation basis. I think the other thing that Dr. Lancaster touched on is that in the situation where you have several organizations, several blind organizations, some of them that may have conflicting purposes. If you have a person who is a high official of one of those support organizations and is also a Commission official, you subject—you open yourself up to criticism by the opposing support blind organization of preferential treatment.

Gov. Ray: Whether it be valid or not, is what you're saying.

Gentry: Whether it be valid or not, right.

Gov. Ray: All right. Let's go on.

Gentry: Okay. We recommend that Chairman Hemken should cease his sale of insurance to the Commission for the Blind, blind vendors, and the Business Enterprises Program, and Commission employees. We feel that in his policy-making role, that that should be ceased.

Gov. Ray: Again, not necessarily that there has been any—

Gentry: No wrongdoing at all.

Gov. Ray: But that it has the suspicion that someone might misinterpret.

Lancaster: This is analogous to when, I think, Dave Schaff suggested, when he became on the Highway Commission. Had he a client that was being served by the Commission in some regard—I believe this might have been your illustration, Dave—that he would just be required somewhat by good judgment, I guess, to not consider that person a client of his and not do his business while he's also serving on the Highway Commission if the man's business related to the work of the Highway Commission. That was a persuasive illustration that Mr. Schaff used for me.

Gov. Ray: Of course, you have to remember Senator Schaff always had so much business he couldn't [inaudible] it anyway. [Note: David Schaff is a former Iowa state senator.]

Gentry: We, in item four, we recommend that the grievance procedure for employees be supplemented by a merit employment commission serving as an external administrative review board of last resort. At the present time employee grievances are handled totally within the Commission. We feel that there needs to be an outside final umpire, if you will, so that the employees who might have some concern would feel that they would get a decision rendered by someone who is not in intimate contact with the program at the Commission.

Gov. Ray: Let me ask you in that regard: I'm assuming by the way you've expressed that, you're not recommending that all of the employees go under the regular merit system?

Gentry: That is correct.

Lancaster: Well, we discussed that and we felt the legislature had made a decision and that we did not wish to quarrel with the legislature at that point. But we did want to provide then—if they're not going to be under the merit system—some comparable system of objective review. We didn't actually vote, or we did not come to a test as to whether they should be under the merit system. We felt the legislature had decided

that and we were a committee reporting to the Governor, and we just did not wish to question that. That's my interpretation of it, Chris: is that correct?

Christine Hansen: Un hunh.

Lancaster: I know at least one of our committee members did want the group—and that did want to recommend that there be a merit—that they go under the merit system. But we did not come to a final conclusion because we felt that this was a legislative decision.

Pat Cavanaugh: And I think you'd agree at least one committee member was opposed to it.

Lancaster: Yes. [General laughter]

Schaff: I think there were a couple.

Gov. Ray: Well, there are reasons for them not to be, and you recognize that; but you didn't get into the merits and the values and the pluses and minuses to any extent. But you did find that there should be some kind of grievance procedure so that a person who had a grievance or felt he had a grievance—or she had a grievance—could at least have that heard impartially.

Schaff: Well, I think that we had the discussion with regard to whether or not merit system. I think that there was some sense that—some feeling on the part of some of the committee members was fairly strong on that point; and we reached somewhat of a compromise by providing the opportunity for employees to—

Gov. Ray: Well, apparently you saw that that was—if there be a problem, that was the problem, not whether or not they had a fair opportunity to a job, but what you're really zeroing in on—which apparently was one of the complaints raised—or a question raised—whether or not a person had a grievance procedure by which he or she could have that grievance heard.

Gentry: That is correct.

Gov. Ray: All right. I think I understand that.

Gentry: The next item deals with an audit of the Commission. It is audited each year

by the auditor of the state. However, we feel that a federal audit should be requested to bring up to date federal guidelines that are applied by the federal government. Now, as I understand the situation, new federal regulations have been developed with regard to auditing agencies like the Commission for the Blind. However, those audit regulations are not presently used by our state auditor when he audits the Commission for the Blind, and apparently we need the federal auditor to come in first and establish those guidelines before our state auditor can use them in succeeding years. So it's been 13 years since we've had a federal audit. There've been substantial changes in a short period of time plus additional changes on an annual basis in the federal regulations required regarding audits, and we feel that it would further clear the air if a federal audit was requested at this time.

Gov. Ray: All right. Now, has anyone made that request? Have you?

Schaff: No, we're not director of ethics. [Laughter]

Lancaster: We'll leave something for you to do. [More laughter]

Gov. Ray: Has this been discussed with the Commission members?

Gentry: No.

Gov. Ray: Well, this is something that they might well want to do; but it is something that I also can do. But I think that would be a healthy thing for the Commission itself to want. Audits are for protection as much as anything. And if they haven't had a federal audit for 13 years, it seems to me that it'd be very advisable. Our state auditor does audit every year, I understand.

Gentry: The next item deals with matters that we reviewed in the context of the Commission for the Blind, but we feel that we were unable to find any guidelines at all in state government. So we, I guess, kind of tossed the ball in your court to perhaps see if there should not be established ethical standards relating to business transactions between public officials and employees or clients of an agency in which the official is

employed or appointed. The second portion of that is whether or not ethical standards should be adopted that would relate to a public official allowing his or her name to be used in promoting for-profit organizations.

Gov. Ray: David, did our ethics task force deal with that?

Schaff: I don't think that we dealt with that specifically. It'd have to be read into the broad context of the report that we made, as I recall. But I would certainly feel that as a member of that group, had it—this specifically come to our attention, that this is the kind of a recommendation that we would have dealt with [inaudible].

Gov. Ray: That task force isn't totally dismissed. [Laughter] That might be something that it might be wise to have them discuss, because as I think you people probably can see immediately that it is not easy, because people who work in government do have rights to be involved in other enterprises so long as they do not basically conflict with that job within government. And to tell a person, for instance, that he could not or she could not ever pursue cutting a commercial if that person happens to teach drama at a university, it might be somewhat difficult. And yet I think we do recognize that there is a matter of propriety, and a person needs to be very careful when that person serves in government. But it would not be easy to draft a flat-out statement that would cover all situations. Let me go back to part A. Could you elaborate somewhat and give me a little more explanation on the first part of six?

Gentry: Okay. One of the things that I'm sure you have read about in the press related to real estate business that was handled by the ex-director and a Commission official, and the sale and lease of homes to employees of the Commission. I think also the situation with Mr. Hemken in terms of sale of insurance to Commission employees. We found no wrongdoing in any of these situations, but we feel that as a matter of propriety, especially the situation with Mr. Hemken when he does have, as a Commis-

sioner, review over—I would assume—final hiring of certain persons and upgrading of certain persons based on the director's recommendation, that there might be some concern on the part of employees that they are not free to exercise— Now we were not able to discern that any of this was the case in our investigation, but we kind of felt that this is something that should be looked at by state government generally and perhaps something developed that would provide some guidance to state employees in this situation.

Schaff: I think we were concerned about not adopting a standard that would apply to the Commission for the Blind and its personnel without considering the overall impact, for example, as you've mentioned—or I think he did at least—people who work for the universities and may become involved in private projects and so forth. I think before an ethical standard is adopted, many agencies of state government have to be considered.

Gov. Ray: It came to my mind, and it comes to my mind again now—if Mr. Hemken ran a clothing store, and a person from the Blind Commission staff were to come in to buy a shirt, would he say: No, I'm sorry; I cannot sell that shirt to you; someone might think there was a conflict there. How do you resolve that type of thing? This man was trained to be able to sell insurance. Many people would have believed, I think, previously that a person who was sightless would not be able to get into the insurance business. Yet the Commission proved that a person can be gainfully employed in that particular type of enterprise. So if Harry became proficient in a business and in an industry and he sells to people—probably not always asking: Did you go through the Blind Commission, or do you work for the Blind Commission, or do you work someplace else. His idea is to sell insurance openly, competitively, like anyone else. How do you draw a distinction in all cases? Here you've made a decision that it isn't that there has been conflict. It is that there is a suspicion of a conflict, which

creates the problem. But to draft a flat-out statement that would affect everybody would not be easy. We have a task force— [General laughter]

Gentry: That's true, you know. For instance, in municipal government, I think the test is the percentage of control or ownership that you might have; in some instances, the test is whether or not the product or the purchase is over a certain amount of dollars. We do not feel, based on our narrow scope, that we should make a decision with regard to that without taking into consideration the entire operation of state government.

Gov. Ray: Well, I think you were wise in that regard; and what you've done is raise the question, because it apparently has been raised before you people. And I don't think this has been much of a problem in state government, but nonetheless, when it does surface, why we ought to look at it with a critical eye; and I do think this is something—seeing how that task force on ethics did some commendable work in shaking down all of the different possibilities into something that was realistic—but they might be able to handle this.

Lancaster: Well, I think they might, too. I haven't read the legislature's recent enactment; I'm not sure whether there is a [inaudible]. [Laughter]

Gov. Ray: I thought you were going to say you're not quite sure it does any good whatever the ethics committee says. [Laughter]

Schaff [?]: I think one thing we were trying to suggest, too, is that we did want the officials—and in this case back at the Commission, but certainly any public official—to really think carefully about it. I think some things we've done we've done automatically, we've done casually. And where in the old days someone would buy us a lunch, I think, if we were in the house or the senate, no one questioned it. Now, in your committee, Dave came back and raised questions about it—whether this was proper. That may not be the best illustration in view of recent legislation; but I think partly what some of us were concerned about is that we now in

the offices of the [Highway] Commission really think about the relationships that we have here with regard to our corporate responsibility and to employees and the pressure we might be unthinkingly, unknowingly putting them under. If we're selling real estate, or if we're selling insurance, and we're asking them if they'd like to buy; and we have the authority over their lives—there're people of good will who would reflect on that and might not.

Gov. Ray: Well, I think you're right, and of course, much of what we're talking about is judgment and the appearance of impropriety as well as what might be construed literally as impropriety. Okay, you've got one more?

Gentry: We feel that it is important for the three members of the Commission for the Blind to assume a greater role in developing, implementing and accepting Commission policy.

Gov. Ray: There were some things that we heard about prior to the time this committee was appointed which you don't specifically deal with. Are those matters covered in the report—the credit union, the dress code, and all of this type of—

Lancaster: Dogs. [There is a general chorus of assent to the Governor's remark]

Gov. Ray: But you apparently have felt that these are the heavy, substantive matters that need special focus on and attention to be drawn to them?

Gentry: This is correct. Governor, I might just direct your attention to page one of the report, which we included because we feel the Commission has done a tremendous job going about the task that they are charged to do. We have received, in addition to the letters of criticism, many letters of praise for the work the Commission has done. And also, in many letters in which there was some criticism on certain aspects of the program. Persons indicated that the Commission was doing a tremendous job, and we feel that it is important that the work of the Commission and Mr. Jernigan's work be viewed in that perspective, in that

we feel that there's no question but what Iowa's Commission is one of the foremost in the country.

Gov. Ray: Well, Nolden, I of course appreciate what you're saying. I'm sure many others do. It would appear to me that there's been a vindication, and many of the charges and allegations that were made did not carry with them very much in the way of foundation. Nonetheless, I believe that these matters needed to be looked into and that it was not being done in an orderly fashion—with everyone just talking and complaining, and the answers that were coming forth were not being heard because mostly they were coming from the people who were being accused. I think you've made some solid recommendations. I think you've done a tremendous service in helping to clear the air and putting it in focus and giving us a good perspective. I would just—as you were talking—summarizing here a moment, reading your last paragraph [on page one]—listening too, I want you to know—but it says: "The committee hopes that this report will help assure that the Commission's programs, now at the high standards which all citizens of Iowa—both sighted and blind—have admired and appreciated for so long, will grow and improve and that these programs will be provided on an equitable basis to all blind and visually impaired Iowans who are eligible to take advantage of them."

It seems to me like that is the underlying goal of all that the Commission, the director, the staff members, those who are supporters, those of you who have served on this committee, and certainly I as Governor, and I think legislators as well, really want. And you have helped us, I think, make sure that the blind program continues strong in this state. We've all been very pleased with the results that have come from that Blind Commission and from Ken Jernigan. I don't think anyone has really questioned some of those desirable results. All of us have seen examples of people who are literally given life again because what had been hopeless despair turned out to be great anticipation

and capability so that they could earn a living and live nearly normal lives. So I'm just pleased with what you people have done and the dedication with which you've done it. It was not an easy task, because the fur was flying and the pellets were coming from all directions, and you people brought into focus what the problems were, what the accusations were; and you put a fence around them, and then you started to deal with them. And while I haven't read this report, I appreciate the opportunity to go over your summary and your recommendations with you right now. And I would like very much to have the Commission itself take that report, go through the summary and the recommendations, and I would like to know what the Commission plans to do, and as quickly as possible be able to get together with you people so that we can respond to these recommendations and decide what, if anything, the Commission feels I should do instead of action on their part. By doing so I think we can move ahead and move ahead rapidly.

I again thank you, Pat, and thank the staff members, and thank all of you that were willing to do this. It's not been easy, but you came pretty close to reaching your own deadline for the report—which I think is somewhat remarkable because there were questions raised about whether or not you could do it. But I think you've gone into depth to about the greatest extent possible. And I was going to ask you, since there was some question about the need to see the books and records of outside organizations that were not made available to you. But do I assume that you feel that you had traced the state dollars and you had traced where the money had gone to your satisfaction, that even without seeing what other organizations did with their money that you could not find any conflict?

Gentry: We were unable, based on the information that we had from the auditor's office, the comptroller's office—no indication at all that Blind Commission funds had gone to other private nonprofit blind organiza-

tions or vice versa, as I remember.

Gov. Ray: So the report basically covers everything that needs to be covered for you to adequately come to the conclusions you did?

Schaff: Right. I would say, for instance, if we had received copies, say, of tax returns for the Services for the Blind, Inc., for the period of time that the allegation was made that state funds or state contributions were directed to those organizations and could have contacted a sample number of people, we could rather conclusively; but we felt that with the publicity that was given that issue, the fact that we were unable to substantiate it other than just slightly, with a slight recollection, that we feel fairly comfortable with that recommendation.

Gov. Ray: Okay. Anything else? Thank you.

The statements made at this meeting throw into contrast the insinuating phrasing of the report itself: "there is not *sufficient evidence* to establish there has been coercion of blind vendors to purchase insurance" or "no state funds were *directly* paid." Also, it is clear that—despite the disclaimers of everyone at the meeting—the committee members would like to hold the Commission staff to a higher standard than others in government. For instance, Mr. Gentry states, concerning insurance sales: "we found no wrongdoing in any of these situations, but we feel that as a matter of propriety" They all agree that the standard they would *like* to institute would clearly be out of place in any context other than the Commission for the Blind. Yet in the report itself, one of the recommendations reads: "While a member of the Commission, Mr. Hemken should not provide insurance coverage to the Commission, its employees or blind vendors." This is one of the more blatant examples of a double standard that permeates the entire report—indeed, that has marked all of the controversy in Iowa from the very beginning. If these were not blind people under consideration, would anyone think twice about such petty matters? It indicates that, far

as we have come in Iowa and elsewhere, we have a long way to go before the blind are accepted as normal citizens with normal rights.

The dominant impression left by this report, of course, is just how trivial the matters under investigation are. These were "the heavy, substantive matters," the Governor says; and yet what were they? No laws were broken. There was no conflict of interest under state law, although there might be under the "standard adopted by the committee." There might be *appearances* of impropriety, but even these—it is conceded—are due to the criticisms of "opposing blind organizations." Where is the scandal? Where is the wrongdoing that spurred the *Register* to print 100 articles? Where is the excuse for a witch hunt and a campaign to destroy a personal reputation?

The committee report and the meeting with the Governor also recall Dr. Jernigan's words at the dinner in his honor. He said: "When people don't understand a thing, first they fear it, and then they try to destroy it. We have not been the ordinary agency of government. We have not operated on the basis of 8-to-5, routine red tape, write up all your paperwork and do nothing else, or give that the principal emphasis. You have seen a visible demonstration here tonight of partly how we operate. There *have* been love and understanding. There *have* been the kinds of things that build human beings, not mounds of paper."

These words could not be more clearly borne out than in this committee report. Beginning with the recommendation that the Commission scout around to make sure that a cassette player provided to a college student is not being used by a roommate, it is obvious that none of the people involved in this investigation, from the Governor on down, understood in the least what was going on at the Commission.

The misconception is clearest in the very statement quoted from the report by Governor Ray as a summary of their intentions: "The committee hopes that this report will help assure that the Commission's programs,

now at the high standards which all citizens of Iowa—both sighted and blind—have admired and appreciated for so long, will grow and improve . . .” Yet if the committees recommendations were to be followed to the letter, the program would be gutted beyond repair. What do they imagine was the secret of the Commission’s success? Do they believe the “giving back of life” they all praise and are so proud of was just a coincidence—that it could have been accomplished without the intimate relationship between the Commission and the Federation? Was the attendance of Commission staff members at NFB conventions simply a matter of vacation leave and expense reimbursement? No one with any acquaintance with blindness and programs for the blind in this country would make this mistake.

For while the Commission building, the

generous state support, and the fair-weather friendship of elected state officials provided the shell of the program, the spirit of the program—the force that built people and recreated lives—was the organized blind movement. And it was not simply one “blind support organization,” it was the National Federation of the Blind.

At its recent convention, the few members of the Iowa Council of the Blind vowed to make the Commission a campaign issue this fall and to seek the firing of John Taylor and any other staff member who belongs to the Federation. This will not happen; there is still some sanity in the state, and there is still a strong Federation affiliate. But if the officials of the state believe they can retain their nationally known program for the blind while excising all ties to the Federation, we wish them luck. It cannot be done. □

DES MOINES REGISTER TAKE NOTE

[The *Washington Post*, on June 6, 1978, reported on the rulings of the United States Supreme Court handed down the previous day. Part of the report read as follows:]

LIBEL

The justices left intact a South Carolina Supreme Court ruling that a newspaper shows “actual malice” toward a public official when it departs “from responsible

standards of investigation” to print articles “on the basis of an admittedly unreliable source without further verification.”

The court declined . . . “to extend constitutional protection to article containing blatantly false statements and opinions of a biased informant which imply improper conduct by a public official.” □

ACTION ON MINIMUM WAGE LEGISLATION IN THE 95th CONGRESS

by JAMES GASHEL

When the Fair Labor Standards Act became law in 1938, it established a federal minimum wage for workers in industry, but at the same time exempted certain groups, including the general class of handicapped workers. This was presumably done on the theory that the handicapped could not be as productive as others in the labor force; and it was reasoned that the exemption would at least permit (and perhaps even encourage) employment of the handicapped. Above all, these notions were applied to the blind, who were thought to be among the least capable. At the time (1938), the blind were even excluded from rehabilitation programs since employment was considered an unlikely objective.

At the very founding of our movement, the Federation's leaders spoke out against discriminatory wage practices, especially those of the sheltered workshops, which forced the blind to work in substandard conditions with substandard compensation. The goals of security, equality, and opportunity stated concisely the Federation's objective—to secure for all blind people the right and the chance to earn their daily bread and to do so on an equal footing with the sighted.

Our struggle to remove the blind from the category of those who are subjected to subminimum wages has thus been a long one. In 1966 we were partially successful, as the Congress for the first time placed some restrictions on employers, declaring that certificates of exemption from the minimum wage could not, under most circumstances, be issued for less than 50 percent of the statutory minimum wage. But the 1966 amendments are full of loopholes, making it possible for wages to go as low as 25 percent of the minimum if the Labor Department is satisfied that an individual's productivity is "severely limited."

This is the heart of the problem with the present law. For most people (that is, sighted and non-handicapped), the presumption is

that they are capable of producing enough to justify paying them the minimum wage that is established by law. In fact, the presumption goes further, with the argument that every worker in America is entitled to at least a minimum standard of living, and employers are obligated to recognize this and to pay their employees accordingly. It is inconceivable that these presumptions should not apply to the blind worker in America as much as they do to the sighted; but the truth is that they do not, even though there is much evidence to show that nothing about blindness diminishes one's ability to produce in industry, and even though it costs blind people as much to live in this country as it costs our seeing co-workers. The law is discriminatory, plain and simple, since it subjects blind people to unreasonable and detrimental classification.

The Congress must become convinced that blindness does not strip one of the need for self-support and self-sufficiency. Nor does it render a person incapable of achieving or maintaining normal independence. To secure universal acceptance of this philosophy by writing it into federal law, Congressman Phillip Burton of California introduced a bill—H.R. 8104—in the present Congress which if passed would ensure that the blind or visually impaired worker would be fully entitled to the equal-pay and the overtime-pay provisions of the Fair Labor Standards Act. The effect would be to outlaw subminimum wages if a worker is blind or visually impaired, and this would apply in sheltered workshops as well as competitive employment.

On May 10, 1978, the Labor Standards Subcommittee of the House Committee on Education and Labor held a hearing on H.R. 8104 and invited all those interested in the bill to testify. Several witnesses appeared supporting passage. Our NFB President, Ralph Sanders, spoke on behalf of Blind Industries and Services of Maryland (BISM), the agency which he directs. Hal

Bleakley, president of the Center for the Blind in Philadelphia, stated his agency's commitment to the minimum wage for the blind. A representative from private industry (the Office Product Manufacturers Association) appeared; and I testified, presenting the NFB position. Several other supporters, including state and private agency officials as well as blind individuals, filed written statements with the subcommittee.

Here are some excerpts from the written testimony filed by our witnesses at the hearing, beginning with President Sanders' statement:

"When you come down to it, the 'sheltering' in sheltered workshops protects management far more than it protects the blind workers. For one thing, sheltered workshops are tax-exempt. The U.S. Treasury Department recently released the results of a study showing that corporations with more than a million dollars in assets customarily pay as much as 40 percent of their profits in taxes. Workshops are 'sheltered' from this, and quite a shelter it is. Beyond this, the Javits-Wagner-O'Day Act gives workshops employing blind persons a special priority to manufacture goods and provide services for federal agencies. Many states have special laws giving workshops for the blind a priority in selling goods and services to state government.

"What is wrong with these facilities that they cannot pay the minimum wage? At heart it is that sheltered facilities have no incentive to operate according to sound business principles. To justify a special certificate to pay its blind workers less than the minimum wage, a sheltered facility must show that its employees do not meet normal production standards. As might be expected, this is not hard to arrange.

"Mr. Chairman, it is the responsibility of *management* to create an environment in which the workers can be productive. This is true whether you talk about a private corporation producing automobile engines or a sheltered workshop for the blind producing paper writing pads, sewn items, or other products. In short, it is the capacities

of management we should be talking about, not the capacities of blind workers.

"The experience of the agency I have directed in Maryland since December 1975 explains the point. Blind Industries and Services of Maryland (BISM) operates manufacturing centers in Baltimore, Cumberland, and Salisbury, employing more than 200 persons. Before December 1975, at which time new business and rehabilitation approaches were introduced, the highest production volume ever achieved in a year for all three BISM facilities amounted to \$1,130,933. The average hourly wage was \$1.79, with some employees receiving as little as 51 cents per hour.

"Our first task was to create an industry environment, not a sheltered-workshop or welfare environment. We assembled a new management staff and created new production arrangements. Employee training was given the primary emphasis. The results supported this approach. In 1976 the sales volume reached \$1,793,000; the next year it exceeded \$2.5 million. More to the point, wages rose from an hourly average of \$1.79 to \$2.86 as of January 1, 1978, with no production employee receiving less than \$2.65 an hour. We have a policy of paying no less than the federal minimum wage for sighted workers in private industry. In addition to this, production employees at BISM receive ten paid holidays per year, sick leave, health and life insurance, and an employer-paid pension plan. All of these fringe benefits are almost unheard of in the majority of sheltered shops organized under the work-activity center model.

"Opponents to paying the minimum wage to sheltered workshop employees frequently claim that providing normal fringe benefits on top of a living wage would bankrupt their programs. Our experience belies this. Due to mismanagement by the previous administration, BISM was in extremely poor financial shape in December 1975. Since then, while wages to hourly employees have increased 88 percent and while fringe benefits have been greatly expanded, the profitability of the agency's operation has also

steadily increased. The subsidy to operate the Industries Division of BISM has dropped from \$916,000 in fiscal 1974 to an expected level of \$208,000 in fiscal 1979. This remaining subsidy goes for special rehabilitation, transportation, and other services not attributable to the cost of doing business. But we do not deny the workers the dignity of receiving the wages and benefits their work earns them simply in order to provide them 'rehabilitation services.'

"Many shop managers will argue that while the 'average' blind person may be productive, the 'severely handicapped' blind person cannot be. They may imply that BISM bases its experience on exceptional cases (traditionally, any blind person who produces normally has been labeled 'exceptional'). The workers at BISM reflect the general blind population. We have blind persons with no additional handicaps. But a reasonably high percentage of our workers are hampered by other severe physical, mental, or age handicaps. Mr. Chairman, the most positive response to the BISM experiment, in terms of increased production, has come from the workers with severe additional handicaps.

"No matter what the handicap of a worker, he will produce at the level he is expected and enabled to reach."

Hal Bleakley's testimony supported President Sanders' conclusions. He stated:

"We would agree that minimum wages probably could not be paid in sheltered workshops if the manufacturing equipment is old and worn out, if the manufacturing equipment is obsolete, if the products being produced are not what the public wants, if the supervision is incompetent or not well-motivated, if management has not installed standard production and inventory control procedures, if standard work methods have not been developed, and if the products are not being produced from the ground up.

"But why should blind persons be paid less than the minimum wage because of these problems? These problems have nothing to do with the basic ability of the worker to be productive, rather they have to

do with the ineffectiveness of the management of the shop.

"Let me tell you the story of the Center for the Blind in Philadelphia. When I became president of the Center in April of 1974, many of the employees were receiving less than minimum wage. Much of the equipment was old and worn out. There was no marketing program except for the sale of products to the U.S. Government and the Commonwealth of Pennsylvania. Today, every employee is paid at least the minimum wage. There is no maneuvering on this point: Every employee receives at least \$2.65 per hour for every hour he works. How did we accomplish this?

"It was a combination of various steps, all of which are standard operating practice in the manufacturing industry. We obtained grants to purchase new equipment. We discontinued making a number of products that the public didn't want. We developed a production and inventory control system, a purchasing system, and a marketing program designed to move the merchandise out for sale. We established a cost-accounting system and employed a full-time industrial engineer. We established a new-product development department. We brought in capable management personnel.

"You may ask how these steps make it possible for a blind, multiply handicapped person to become productive. If the job to be done is a handcraft operation, then the person doing the job must have a rather high degree of skill. If his only problem is blindness, he probably will be productive since blindness in and of itself does not affect productivity. However, if in addition to blindness he is mentally retarded, he may not be productive. Now let's assume that that same individual with his additional handicap is working on an automatic machine in which his job is essentially pushing buttons. He will obviously be much more productive than in the former situation. If in addition, the industrial engineering department has developed standard work methods and an organized course of training exists, the individual can be brought to his maxi-

mun potential. Certainly, in view of the fact that \$2.65 per hour is not really very much money, he can be paid the minimum wage. The average factory worker's earnings in competitive industry are far higher than this.

"Two brief case histories dramatically demonstrate the human values involved. First, there was a man in Philadelphia who came to work at the Center for the Blind some ten years ago. After 40 hours of work he took home \$17. He worked for a short time and then quit. Since then he has been on welfare. Recently he came back and applied for work again. He is now earning \$2.65 per hour as a trainee. A couple of weeks ago I talked to this man. I asked him why he had quit ten years ago. He told me that earning only \$17 for 40 hours of work he didn't feel like a man. I asked him how he felt now. He said things are okay now.

"Second, four years ago the switchboard operator at the Center, a blind woman, was earning below minimum wage. She did a completely satisfactory job running a busy switchboard. We immediately increased her earnings to more than minimum wage. In my opinion there was no justification for paying this individual less than minimum wage. If H.R. 8104 had been passed five years ago, it would not have been possible for the agency to pay less than minimum wage to a thoroughly competent worker just because she was blind."

From the statement submitted by Joseph Wexelbaum, president of Red Rope Industries of Bristol, Pennsylvania, and chairman of the Affirmative Action Committee of the Office Products Manufacturers Association, come the following revealing data:

"One of the principal sheltered workshop goals is the training and placing of handicapped individuals in competitive private industry. Quite often workers are paid sub-minimum wages because they are 'in training' or learning 'job skills' or learning to adjust to the 'industrial environment.' We must ask, what training? what job skills? and what work orientation?

"Our industry committed itself over five months ago to aggressively seek the employment of blind and severely handicapped individuals at the going minimum wage. . . . It's been interesting to see the results.

"The model program was begun in the New York area. Believing the blind workshops to be a source of potential manpower, they were contacted by our industry members with totally negative results. One industry member contacted five major New York blind workshop organizations, who could recommend not one handicapped individual for employment. He finally contacted the Office of the Mayor of New York who directed him to the nonprofit Brooklyn Bureau of Community Services. This social services agency promptly sent him eight blind individuals whom he found 'psychologically motivated' to work, and they took 'no longer to train than the normal training program for sighted individuals.' All eight are now making \$3.25 per hour, operating machinery, and having no disciplinary or work-attendance problems. This scenario proved to be commonplace. Often industry members invited blind workshop executives to inspect their premises and provide personnel. They came, looked, and never called back. That has been our industry's experience with the New York area sheltered workshops. We now employ 65 individuals in our model program at the going minimum wage, with it currently being extended to our other Association members. This pattern of sheltered workshop cooperation and placement capability seems to be similar nationally."

Finally, here are portions of the statement I submitted on behalf of the NFB:

"There is always opposition when we talk about the minimum wage. Business and industry can be expected to line up on one side (generally against) while the working men and women (the people who worry about how they will put food on the table for their families) mount a strong campaign for increases. This is how the forces generally line up in the labor market, and it is not surprising to find a similar phenomenon

when we discuss the minimum wage for the blind. Yes, those who oppose legislation like H.R. 8104 will be heard assuring everyone that they have only the best in mind for the blind, that they want nothing but opportunity for the blind. But when you strip away all of the niceties, they are saying the same thing that you hear from business and industry when there is talk of increasing the minimum wage.

"Opponents contend that the blind should not be treated differently than others who fall under the exemption of section 14(c) of the Fair Labor Standards Act, and they ask: 'What is the rationale for singling out the blind in H.R. 8104?' There are those who believe 'if you're handicapped, you're handicapped,' regardless of your disability.

"Sheltered workshop studies conducted in the past few years by Greenleigh Associates (under contract with the Rehabilitation Services Administration pursuant to the Rehabilitation Act of 1973), and by the Department of Labor's Employment Standards Administration, Wages and Hours Division, have shown that the wage rates for blind shopworkers are significantly higher than for those with other disabilities. Proportionately, there are a fairly large number of workshops serving the blind which are not certificated for subminimum wages, and even in those which are, the majority of clients earn at or above the minimum wage. National Industries for the Blind (NIB) reports that approximately 60 percent of the blind who work in its affiliated shops are not on subminimum wage certificates. The average wage for blind sheltered shopworkers nationwide last year was \$2.67 per hour at a time when the minimum wage was \$2.30 per hour. The blind are singling themselves out by their own productivity, and this should now be recognized in the law.

"Opponents argue that applying the minimum wage standard will result in massive layoffs, putting thousands of blind people on the streets with nowhere to turn for support. They contend that it is better to give these people something to do than to close the shops and leave them idle. This

argument is a scare tactic quite comparable to the cries you hear from business anytime there is an increase in the minimum wage, but somehow business manages to carry on. After all, management people have jobs too; and they will find ways to economize so that higher wages can be paid and the work go on.

"But how many thousands of blind people are we in danger of putting on the streets? Nobody knows for sure. In the NIB system (the largest bloc of sheltered workshops for the blind) there are slightly more than 2,000 on certificates. In private industry it is estimated there may be 900. Even if there are as many as 4,000 altogether, this is not an unmanageable number, especially when many are earning only slightly below minimum wage now. We believe that the increases, where there are increases, can be absorbed.

"Opponents argue that blind workers are already paid equitably when compared to the sighted. The data indicate that this is simply not so. In the NIB system during the last fiscal year, gross sales amounted to approximately \$109 million. Yet labor costs (that is, wages and fringe benefits for blind workers) took only about \$16 million, or 14.7 percent of gross sales. When this is compared to comparable types of competitive industry, it is clear that the blind are getting less than their fair share of the sheltered workshop income generated by their labors. In 1976 the labor costs nationwide in all types of industry averaged 23.4 percent, and this was the lowest in years (down from 28% in 1968, for instance). Where is the money going in sheltered workshops?

"It must be borne in mind that when we talk of the minimum wage for blind workers, we are still not ensuring them compensation on a par with the sighted in competitive industry. The American Management Association indicates that in May 1977 the average wage for 'assembler I' (the lowest level of assembly work, almost identical in description to the simple, repetitive jobs performed by blind workers in the shops) was \$4.43 per hour, while the starting wage was

\$3.55 per hour—and remember that in May 1977 the minimum wage was only \$2.30 per hour. We can pick specific industries as well. According to the *Monthly Labor Review* of January 1978, textile manufacturers, which had the lowest hourly pay rate of all industry in 1976, still paid an average of \$3.41 per hour. In 1977 (according to the same source), leather and leather products manufacturers were at the bottom of the list, with an average hourly wage of \$3.77. Compare this to the NIB average of \$2.67 per hour, and it is clearly not possible to argue that the blind receive equitable compensation.

“Opponents assert that the income base available to sheltered workshops is not sufficiently broad to sustain increased labor costs necessary to pay blind workers the minimum wage. The data given above cast doubt on this assertion. But beyond this, few people realize the many sources of income available to the workshops—something the shops themselves do not like to talk about. Earned income from a work program is only one source. In addition, there are donations from civic organizations and the public; service fees paid by public and private agencies referring clients to the workshops; funds to pay part or all of the costs of projects that improve or expand facilities and activities; grants for purchasing land, equipment, or service, and for constructing or expanding buildings and increasing the size of staff; bloc funding for workshops by state agencies; and in some cases, state-level wage supplements.

“Then, too, the type of work done by a workshop is an important factor. The Greenleigh Associates study reports that work subcontracted from industry constitutes most of the work of the largest shops in the country. That survey states that ‘studies indicate that subcontracting appears to be the least effective way to generate income for wages and to meet other production costs. It offers a narrow range of job tasks that require less skill and higher ratios of clients to supervisors. Overhead costs are lower, so are business revenues. Workshops

such as workshops for the blind in which the principle work base is the manufacture of goods for sale (prime manufacturing) are not increasing in any substantial numbers, but their mean wages paid to workers tend to be above average among all workshops.’

“The conclusion is obvious—if a workshop is managed properly, with all sources of income actively generating revenue, and if prime manufacturing is emphasized, the minimum wage and more can be paid.

“Opponents argue that blind persons do not want to be paid the minimum wage or above because they will lose Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits. This argument is as false as the others.

“Under SSI, blind recipients are entitled to deduct from their gross wages any expenses attributable to their earnings—in other words, the costs of working, which include federal, state, and local income taxes, F.I.C.A. taxes, transportation to and from work, meals away from home during working hours, union dues, retirement fund contributions, special devices that might be necessary for a blind person to perform a particular job, and instruction such as in the use of a long cane or Braille.

“Also, under SSI the blind are not subjected to the ‘substantial gainful activity’ test that denies benefits to others when earnings exceed \$240 per month. Many blind persons may earn \$500 or \$600 per month and still keep all or most of their SSI. Certainly most can earn well above the minimum wage, which would be about \$460 per month this year. SSDI presents a different picture, but even here the rules for the blind are much more liberal than for those with other handicaps.

“All of this misses an essential point. The blind person must have the choice of whether to work or to live on welfare. The purpose for subminimum wages has never been to allow the blind to keep their assistance checks. Workshops and industry must face the reality that assistance offered by the federal government to the blind cannot

be used as an excuse for failing to pay a decent living wage. Public assistance is for the blind; it was never meant to be an indirect subsidy for management. Pay the blind the minimum wage and let them make their choice; we know what it will be.

"Opponents argue that the present law is good because it allows more flexibility in establishing what blind workers should be paid. This is precisely what is wrong with it. The existing system of certification is open to abuse and has been abused. It is confusing and cumbersome. How can blind workers have any confidence that they are receiving what the law allows. There are overall shop certificates, and then there are individual certificates; and only a lawyer, an accountant, or a federal bureaucrat can determine how they relate to any particular case—the shopworkers certainly cannot do it. They are victims of productivity ratings and time studies (often using outmoded equipment and inferior production methods) over which they have no control. Only the 'benevolent' keeper of a Lighthouse would favor such an arrangement.

"Opponents argue that subminimum-wage employment allows training in job skills as well as work evaluation and work adjustment, that it is therapy rather than employment. The blind have always asked, What kind of therapy is this that teaches us to occupy the role of second-class citizens and to be grateful for it? The Greenleigh study also refutes the training and therapy argument. It found that less than seven percent of the blind clients in sheltered workshops for the blind are placed in competitive employment outside the workshop annually. The study also found the equipment and production methods to be substandard compared to competitive industry; and it concluded that workshops are not particularly good training agencies for productive employment outside. The training and therapy argument is just another dodge."

In the past, when we have spoken out on the minimum wage issue, we faced stiff and unbroken opposition from the sheltered workshops. They argued with some success

that paying blind workers at least the federal minimum wage would result in unemployment for blind people, especially the multiply handicapped blind. This time it was different. Today a more enlightened breed of workshop manager is abroad in the land, demonstrating that blind workers and the minimum wage are not incompatible. This above all had an impact on the members of the subcommittee; and the tough but legitimate question was asked: "If they can do it in Baltimore, Philadelphia, and Jackson, Mississippi, (three shops that voluntarily guarantee all workers at least the minimum wage), why not in Providence, Washington, D.C., or Cincinnati?"

Of course, there is opposition to H.R. 8104. Reliable reports have it that the leaders in the workshop community went through an agonizing process, with emergency meetings and the like, to determine their exact position. There was much hand-wringing and hoping that the hearings would not be held. There were those who said: "You know, you can't come out against the minimum wage when you testify before the Labor Standards Subcommittee, where the legislation creating the minimum wage was written; but then you can't come out for it either. So what are we going to do?" Then, too, there was some embarrassment, since they knew that workshop representatives would be appearing in support of H.R. 8104.

Finally, Colonel John Hanger was sent forward to represent National Industries for the Blind. The tough situation for Colonel Hanger (who is NIB vice-president for legislative affairs) was that NIB boasted gross sales of \$109 million from its 91 affiliated workshops during 1977 while reporting that only roughly \$16 million went out in the form of salaries and fringe benefits for blind workers. The subcommittee wondered why the amount paid to production workers was so low compared to the typical practice in competitive industry. But Colonel Hanger was unable to provide an adequate explanation, saying in essence that he had never looked at it that way.

The only other representative to appear in opposition to H.R. 8104 was Milton Jahoda, representing the Cincinnati Association for the Blind. On Monday, May 8 (two days before the minimum wage hearing), the Cincinnati Association was ordered by the National Labor Relations Board to allow its workers to have an election for the purpose of designating a union to represent them in collective bargaining. The NLRB decision was explicitly based on its judgment that the Cincinnati Association is a commercial operation within the meaning of the National Labor Relations Act. In doing so it rejected the Association's contention that its workshop was essentially a rehabilitation program. This, of course, undercuts many of the traditional arguments used by workshops to stave off the minimum wage (as discussed in the testimony printed earlier). That Mr. Jahoda was apparently the best spokesman the opponents of H.R. 8104 could find says much for the new spirit abroad in workshops.

None of this stopped Mr. Jahoda from coming forth with all of the classic lines against the minimum wage, but he received sharp questioning from the subcommittee. When asked why the workshops for the blind did such a poor job of placing their "clients" in competitive employment (showing a placement rate of less than seven percent last year, compared with the placement rate of 12 percent in workshops for the general disabled population during the same period), Mr. Jahoda attempted a shabby dodge by propounding the notion that placement should actually be zero percent or close to it since "employable" blind persons should not be allowed into the shop in the first place. What he was saying, in effect, was that the blind people who get into the shop are there for terminal employment, not rehabilitation.

Then when asked why blind people should be expected to accept, on a permanent basis, a wage which is less than the federal minimum, Mr. Jahoda lapsed into a long and rambling recitation of the problems faced by workshop managers. The

subcommittee and the audience were unimpressed. (The audience, by the way, consisted of roughly 100 blind persons from the District of Columbia and the states surrounding, including a busload from Pennsylvania, and many were sheltered shopworkers themselves.)

The outcome of the May 10 hearing, especially in terms of future action by the Labor Standards Subcommittee, is unknown at this writing. But we do have a hearing record that is overwhelmingly favorable to the passage of this legislation, so the outlook is good.

But, you may ask, where was the American Foundation for the Blind and its company union, the American Council of the Blind? Neither organization testified at this hearing, nor to date (nearly a month later) have they filed even written statements. They were scheduled to appear, but at the last minute, both of them canceled their appearances. Could it be that both of these organizations regarded H.R. 8104 as insignificant? We doubt it. The ACB holds itself out as a representative organization of blind people; and if this is true, some of its members presumably are employed at less than the minimum wage. How will the ACB leaders explain their silence to the membership? Was it a mere coincidence that both ACB and AFB canceled on the same day at virtually the same time using the same excuse? They told the committee staff that they were too busy on the Rehabilitation Act amendments; but they could not have been busier than we were, as you will see from another article in this issue.

The truth is that ACB was and is in an untenable situation. It receives funds from the AFB and in return, follows its lead in all areas. And National Industries for the Blind was originally set up by the AFB. Here was an instance (as there have been many, many others) where the ACB was forced to act against the clearcut interests of its blind members in order to avoid acting against the interests of the American Foundation for the Blind.

So as usual, the job of representing the

grass-roots blind (in this case, those who now work for substandard wages and the many others who will follow them) falls to us, and it is a task which we shoulder with gladness and hope.

Those who are interested in the passage of H.R. 8104 should take action now by contacting members of the House of Representatives. The chairman of the Labor Standards Subcommittee of the House Committee on Education and Labor is Congressman John H. Dent. He is principally

responsible for scheduling the subcommittee's further consideration of the bill. The chairman of the Committee on Education and Labor is Congressman Carl Perkins; it is this full committee which must act favorably on the bill before it can go to the House floor. Personal contacts to enlist the help of each member of the House of Representatives would also be helpful.

H.R. 8104 can move, but it will take the strength of the entire movement to make it happen. □

THE REHABILITATION ACT AMENDMENTS OF 1978: PROSPECTS FOR IMPROVING SERVICES TO THE BLIND

by JAMES GASHEL

When the 95th Congress assembled in Washington and opened for legislative business, the blind came too—in great numbers. We had several things on our minds during what became known as the March on Washington in early 1977. One item was our concern that services for the blind are too often fragmented; and in a hearing before the Senate Subcommittee on the Handicapped, chaired by Senator Jennings Randolph of West Virginia, we presented a legislative proposal for comprehensive services for the blind. (See the *Monitor* for May 1977.) This legislation was subsequently introduced in the House of Representatives as H.R. 4775.

The bill proposes a series of amendments to the Rehabilitation Act of 1973 that would provide federal money to encourage and enable the states to expand services to the blind beyond the traditional vocational rehabilitation program, which generally limits participation to those who have an employment goal and a reasonable expectation of achieving it. This is a sound doctrine for many; but there are still large numbers of blind people—particularly older blind persons—who have passed their working years yet, having become blind later in life, need training and adjustment services. The comprehensive services bill also springs from the finding that blind people are best served when the services they need are seen as interrelated and when a single identifiable state agency is established to ensure that the services will be readily available.

The 1977 hearing and our subsequent discussions with key Senators and Representatives have revealed considerable sympathy for the comprehensive services approach; but as the Congress began considering the Rehabilitation Act Amendments of 1978 the feeling was expressed that the comprehensive services legislation should identify more specifically the type of services to be provided and the specific group or groups

to be served. Back to the drawing board we went as the relevant subcommittees in the House and Senate rushed to prepare bills to ensure the continuation of the vocational rehabilitation program and related services authorized by the Rehabilitation Act of 1973, which expires later this year if the Congress fails to take action to extend it.

In March, Senator Randolph and several co-sponsors introduced S. 2600—the Senate version of the Rehabilitation Act Amendments of 1978. In April the bill was approved by the Subcommittee on the Handicapped; and in May the Senate Committee on Human Resources cleared it for action on the Senate floor. At this writing (early June), the Senate has not yet taken up the bill.

As approved by the Senate Committee on Human Resources, S. 2600 contains provisions that expand services to the blind in a major way and that call for delivering these new services through state commissions for the blind or other identifiable administrative units established within the state government to serve the blind. There are two major components, each having some rather elaborate administrative requirements not unfamiliar to those who studied the earlier comprehensive services legislation.

The first is an authorization of federal funds “to expand the quality and scope of reading services” for blind persons who are participating in elementary, secondary, or post-secondary education, and employment. The second proposal sets up a new federally funded system of rehabilitation services for older blind persons, who are defined as “individuals whose combination of blindness and age makes gainful employment unattainable.”

The reading services expansion concept aims at providing blind persons with greater access to print information. Of course, this can be done in many ways—through employment of sighted readers, by means of tran-

scribing print material into Braille or sound recordings, or through the use of devices such as magnifiers and reading machines. The funds authorized pursuant to section 412 of S. 2600 are to be spent on providing such services for blind persons to meet their individual reading needs. Eligibility determinations rest with the state agency serving the blind, but no tests of financial need or length of residency may be applied. State agencies must establish eligibility conditions and priorities for services in consultation with interested blind persons and organizations representing them. Each state wishing to receive federal funds to provide expanded reading services for the blind must submit an application to the Secretary of Health, Education, and Welfare. To be approved, the application must meet the requirements of section 414 of S. 2600. The most far-reaching of these requirements is that there must be an identifiable agency serving the blind which, among other things, develops and administers its own budget. It is expected that about \$10 million will be necessary to maintain the program annually on a national basis; and section 412 of S. 2600 authorizes this amount.

To ensure that rehabilitation services will be provided to older blind persons, special federal funding is authorized under section 432 of the Senate bill. It is expected that \$30 million will be needed nationwide during the third year of operation of this program. As with reading services, states may not impose economic-need or residency requirements and must submit an application to the Secretary of Health, Education, and Welfare for his approval if they wish to receive funds to assist the older blind. Again, as with the reading services program, to receive funds, the state must have an identifiable agency serving the blind.

The services which may be provided are (to quote section 433 of the bill):

"(1) prevention of blindness services, including outreach services, visual screening, surgical or therapeutic treatment necessary to prevent, correct, or substantially modify

eye conditions and other disabilities, and necessary hospitalization in connection therewith;

"(2) provision of eyeglasses and other visual aids, and mobility and self-help aids;

"(3) adjustment services such as mobility training, Braille instruction, and equipment;

"(4) daily living activities and other rehabilitation teaching services;

"(5) individual and family counseling; and

"(6) supportive services such as guide services, reader services, and transportation services necessary to assure delivery of services."

"(b) Whenever rehabilitation services are provided for a group of older blind persons [the bill goes on], such services may include—

"(1) the establishment and maintenance of a register of the blind;

"(2) the establishment and the maintenance of materials, equipment, and textbooks, including talking book machines, cassette tape players, brailled and large print books, special aids such as needles and Braille typewriters, talking books, and tapes;

"(3) the warehousing, sale, and distribution of aids, appliances, and devices used by blind persons; . . ."

In short, this legislation extends to the older blind those services which are traditionally part of the vocational rehabilitation program.

With these significant amendments, the Senate's Rehabilitation Act amending bill promises an exciting future for services for the blind. Senator Randolph must receive the lion's share of our appreciation for this. He has always had a keen appreciation of our special needs; and unlike others, who claim to be part of a modern trend, he has avoided simplistic solutions that overgeneralize about the handicapped and propose to treat all disabilities alike regardless of needs. The Randolph-Sheppard Act still stands as a milestone; and the 1974 amendments to the act (which probably would not have been passed if it were not for Senator Randolph) contain some of the most innovative

concepts in social legislation. The major challenge confronting services for the blind in the 1970's has been to retain their identity in the face of the trend toward umbrella structures. Title IV of S. 2600 maintains that blind people do have special needs, and it offers federal assistance to meet them.

Concurrently with the Senate, the House of Representatives has been working on Rehabilitation Act amendments; in fact, the full House has passed a bill (H.R. 12467, the Comprehensive Rehabilitation Services Amendments of 1978). This bill does not include the reading services or rehabilitation for older blind amendments despite much support for them among subcommittee and full committee members. Congressman John Brademas of Indiana, chairman of the Subcommittee on Select Education (the subcommittee that has jurisdiction over rehabilitation legislation), bitterly opposed these provisions for the blind, stating at one point: "I don't want to turn this bill into a totem

pole." His choice of words said more than he himself realized since the bill already contained a special Brademas-backed title authorizing expanded rehabilitation services to American Indians. H.R. 12467 does recognize some need for expanding reading services for the blind but fails to establish an acceptable system or funding authorization for doing so. The bill completely ignores the special needs of the older blind.

With the special provisions for the blind in the Senate bill but not in the House, we find ourselves in that familiar position of dealing with a Senate-House conference. Prospects are hopeful; but nothing can be reported at this time, although when you read this, a conference agreement may have been reached. We will all be working to ensure that the Senate version prevails. Watch for reports in the *Monitor* and a review of the outcome. Indeed, there is new hope for comprehensive services for the blind if we all do our job and make it come true. □

MILITARY DECLARES WAR AGAINST BLIND VENDORS

by ANDREW MOLLISON

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[Note: Even before the passage of the Randolph-Sheppard Act Amendments of 1974, it was clear that some of the major federal agencies and federal employee unions would continue to resist the advancement of the blind vendor program. When the amendments finally became law, Federationists heaved a sigh of relief; but we also knew the congressional mandate was not self-executing. There would be struggles with the federal bureaucracy at large, with the state agencies for the blind that supervise the program in each state, and with the Department of Health, Education, and Welfare (and especially the Office for the Blind and Visually Handicapped) which has too often proved itself an advocate for interests other than ours.

[Among the agencies which fought the amendments the hardest and later tried to subvert their purpose as regulations were developed is the Department of Defense. The ink had scarcely dried from the signing of the 1974 bill when a Congressman from Virginia named William Whitehurst introduced a bill to exempt certain military facilities. Mr. Whitehurst has a large facility in his district. The Whitehurst bill has been reintroduced in the 95th Congress, and it is something we must watch.

[What happened in Georgia to Jessie Nash, a blind vendor who until April 1977 operated a vending facility on a Marine base, is typical. The Nash case is well known to Federationists, and it is the first one scheduled for arbitration under the new procedure that gives blind vendors more equitable treatment in resolving their grievances. (For more details about this case and the Federation's initial actions in the case, see the *Monitor* for July 1977.) There has been progress in the Nash case during the past year; but in case there are those who believe that our problems sur-

rounding implementation of the Randolph-Sheppard Act are over, we offer the following article which appeared recently in the *Atlanta Journal* and other papers around the country.]

The Pentagon is challenging a law that gives the blind priority in operating vending facilities on federal property, principally because the military wants vending profits to support "morale" programs such as bowling alleys, gymnasiums, and enlisted and officers' clubs.

"Each dollar turned over to the blind will be one dollar less available for the support of our troops," says Air Force Brigadier General Herbert L. Emanuel.

But James Gashel, the blind Washington representative of the National Federation of the Blind, responds: "It would be better if we were working than getting a government welfare check, and it is about time those people realized that."

The law the Pentagon objects to was passed in 1974 over a veto by President Ford. It provides that:

- Blind vendors, applying through their state agency for the blind, are to get priority in operating such facilities as news and candy stands, vending machines, and cafeterias on federal property.

- New or renovated federal buildings must, whenever feasible, provide space suitable for blind vendors.

- Income from vending machines operated by other people on federal property must be shared with competing blind vendors or, if there are no blind vendors in a particular facility, with the state agency for the blind. (This helps pay for the overhead cost of the blind business programs.)

- The Secretary of Health, Education, and Welfare, whose department includes the Office for the Blind, is to interpret, administer,

and enforce the law for all federal agencies.

The Pentagon's main objection is that blind people would get some of the vending profits that up to now have been used to support military and civilian "morale, welfare, and recreation" programs, such as bowling alleys, ball diamonds, libraries, and enlisted and officers' clubs.

Although Congress does not like to appropriate money for such things as night clubs, they help the armed services recruit and keep personnel.

"We have a severe erosion-of-benefits problem already, and that would just add to that erosion," said Navy Captain Carl P. Vogel, whose office is drawing up departmental regulations that blind organizations say would cut the heart out of similar government-wide regulations issued last March by HEW.

"The more erosion of benefits we have, the greater the national security threat," Vogel said.

He added that because of strong critical reaction—including more than 50 written objections—the Defense Department is modifying its proposed regulations. He declined to reveal what modifications will be made.

"There are so many people who have to sign off on these things that it's impossible to tell," Vogel said.

There are signs that the modifications will not be extensive:

- Since proposing its own set of regulations in July [1977], the Pentagon has declined to send representatives to meetings set up around the country by HEW, organizations of the blind, and state agencies to coordinate efforts to increase the opportunities for blind vendors.

- The number of Defense Department installations sending invitations to state agencies to submit vending proposals on behalf of the blind has trickled down to virtually zero. The department has been one of the least enthusiastic participants in the voluntary program that by 38 years preceded the mandatory program called for in the 1974 law.

- Although the new provisions require that the blind get a share of vending machine income since January 1975, the Defense Department has yet to order its commanders to distribute the money.

- After losing a two-year struggle to have the HEW regulations drafted in a way acceptable to the military, Pentagon lawyers are drafting proposed legislation that would exempt the Defense Department from the law.

In testimony before a House Armed Services subcommittee last fall, some military officials, led by General Emanuel, united in opposition to the 1974 law.

Emanuel said, "We can envision a time when blind vendors will be in a position to assert their priority to operate profitable vending facilities while our morale, welfare, and recreation programs will be left with only marginal or unprofitable facilities."

He said the military was especially worried that blind people might take over its on-base liquor stores. In the Air Force alone, Emanuel said, income from the beer and liquor sales kept 123 officers' and enlisted clubs in the black.

Because HEW did not know of the Pentagon's plan to try to get an exemption from Congress, it had been concentrating on pressuring the military to modify regulations proposed by the Pentagon last July. □

IF HER DEEDS COULD MATCH HER WORDS

In the March *Monitor*, we printed "A Letter to the Editor." The writer, professing to be a Federationist, commented on our December issue. She said that we ought to accentuate the positive—that it was bad enough to be negative at any season of the year, but especially so at Christmastime. In effect, she gave us a lecture on the virtues of love and the evils of taking "potshots" at others, then wrapped it up by sweetly wishing us a Merry Christmas.

This is the same woman who has almost bragged about the fact that she is not a member of the Pre-Authorized Check Plan and that she has no intention of joining until and unless the Federation gets her a job. Federation leaders have repeatedly made efforts along that line; but of course, the individual must assume the prime responsibility. In any case, all of this should have nothing to do with her obligation to contribute to the movement, and it does not excuse shortcomings nor lessen responsibilities—either hers or the Federation's.

This woman lives in New Jersey. Until recently, she was the president of a local NFB chapter, which has now dissolved because of "lack of interest." In view of her attitudes, this is not surprising.

Recently she showed up in Florida and was a guest at the home of Beth Bowen, where she apparently continued to spread her unique brand of positive thinking and lack of taking "potshots" at others. When she went back to New Jersey, she wrote Beth a letter—filled (as you will see) with the same sort of kindness and generosity.

Beth Bowen is a lady, but she is also an unwavering Federationist who knows her mind and speaks her piece when enough is enough. When the woman in question (forgetting her Christmastime advice about love and charity) wrote a snide, sarcastic letter to Beth, she got an answer—probably an answer she did not like, for it was not mean or vindictive but more like a spanking.

We must give in order to have the right

to receive. We must practice what we preach. We must realize that our movement is only as much or as little as we individually and collectively make of it. (In the following letters, the woman is called Jane—not because it is her real name but to avoid identification. The names of other people mentioned have been changed for the same reason.)

HIGH: [sic] I am writing this for several reasons and because there is a need for me to do so. First of all, when I was down there, I honestly don't remember making any unkind remarks or statements about Dr. Jernigan or any other national leader. My comments were a rather vivid description of my chapter, which, by the way, no longer exists. It was dissolved on Saturday due to lack of interest and motivation. Anyhow, that's not the point to this letter. Second, even if I had said something critical of the national office or some part of it, is that a crime? Is this organization what our enemies are saying it is—namely, a dictatorship where no one has a right never to criticize those in power? If it is, I don't blame people for wanting no part of it. Also, even if I did—heaven and Sanders forbid—criticize the NFB, and given the fact that we should have a right to do that, any criticism you have of me as a person or as a Federationist you can direct to me personally, not through Ellen or anyone else. She is not responsible for any criticism I may have said. So, in short, if you have anything to say either to me or about me, my address is at the top of this letter. And if I should move to Jacksonville, I do intend to seek membership in your chapter, such as it is. And let it be known that if there's an effort to keep me out, I'll go to the national office with it. Goodbye and respond if you so choose. And let up on Ellen.

JANE.

DEAR JANE: I received your letter and was honestly not surprised by it, since it is typical of the attitudes you displayed while visiting here in Florida. I was tempted to answer your letter with as much sarcasm as it was written, but that would serve no real purpose. I believe that underneath that shield of sarcasm you have raised some questions that deserve some conscientious consideration. I am not writing this letter as a criticism of you, and not necessarily to defend the NFB. I write because I believe that your energy and talent, if directed in a more positive way, could be of great value to our movement. You are a smart girl, Jane, and we need you in the movement. But more than that, you need the movement.

First of all, no criticism was directed through Ellen. A local board meeting was held to discuss problems which were causing dissension in our chapter. One of these problems concerns spreading rumors; and as you should realize, you were discussed. Your letter to me and the implications therein is just an example of what we were attempting to avoid. I think we have this problem under control, but you can help by not jumping to conclusions before you know the circumstances or the facts.

If you recall, while you were a guest in my home and a guest at our August NFB meeting, you were received with warmth and hospitality. I tried to answer with patience and honesty each question you asked, and to counter each allegation with politeness and restraint. There were times when I wondered if my obligations as a hostess really extended that far, but I realize that some people must always play devil's advocate and assumed that was your inclination. However, since your return to New Jersey, I have learned some things from NFB members and others that make me wish I had taken you more seriously.

For example (and there are others), the first time I met you, you were seated in my living room along with two or three people. You made the statement (and I am paraphrasing): "I don't care what Mr. Jernigan

claims, there is a group in the Federation against guide dogs and some of them are on the board, too." I told you that I was unaware of such a group, and that the people I know in the Federation don't care what you use, since it is the person, not the means you choose to travel, that is important. I also told you that we have enough battles to fight outside the Federation without trying to create one from within. After further discussion, I thought you understood, but apparently you were not satisfied. A few weeks later I spoke with Joe (not a Federationist) whom you had visited in Orlando. The very first question he asked me about the Federation was: "Isn't there serious division in the NFB between guide dog users and cane users?" I went through everything with Joe that I had told you; but unfortunately, it is easier for people to believe the negative side. Besides, you use a dog, so he would naturally take your word for it.

You speak of rights, Jane. What right do you have as an NFB member and president of a local chapter to turn someone against the NFB? Do you realize that you might have had a great influence on this person's life? Simply by persisting in your apparent campaign to stir up hostility and create problems where no problems exist, you have probably alienated a very sharp person. Perhaps you do not think this is so important, but we never know when we are recruiting who may be our leaders some day. Remember, someone asked Ralph Sanders to join once, as well as Mr. Jernigan.

On the other hand, even if there are some people in the NFB who do not like dogs, what possible benefit could you derive from perpetuating this? There are also some men in the NFB who are chauvinistic, some people who are Republicans, some Democrats, some whites, some blacks, some who like children, some who do not; but as Mr. Jernigan puts it, we are a movement, and that means people—all kinds of people. The fastest way to destroy a movement is from within, by causing a division. I do not believe you wish to do that.

I'm sorry that your chapter folded, especially "because of lack of interest and motivation." In light of the disparaging remarks you made about your chapter members on many occasions here in Florida, I am not surprised. A chapter is only as strong as its members—the motivation and interest must come from the leaders. If the president believes that the people in the chapter are nothing but "dead wood," then they are likely to be just that. It is not enough for people to have confidence in their leaders; the leader must have confidence in those he leads.

I know it isn't easy to be a local chapter president—calls at all hours of the night or just when you sit down to dinner, petty disagreements to settle, ruffled feelings to soothe, and much, much more. But if you think it is so hard keeping a local chapter together, multiply that about 50 times and you'll know, in part, what it is like to be National President. You can say, "Well, I had a lot of dead wood that didn't want to do anything." People are people, and there are all kinds wherever you go.

You speak of your rights to criticize our national leaders. I am not sure to which rights you refer, your rights as an American or as a member of the NFB. If you refer to your rights as an American, I suppose you do. I, as an American, also have a right to bear firearms. I choose not to do this because of the possible danger to my family, which far outweighs any benefits I could receive. On the other hand, if you are speaking of your rights as a member of the NFB, in my personal opinion, any rights you have as a member could be coupled with responsibilities. There are conventions in the NFB where leaders are elected democratically, issues discussed and voted in or out democratically. If you or someone you know could do a better job, the convention is the time to say so. Once our leaders have been elected then I believe it is our responsibility to support and uphold those leaders. I do not believe we as members of the NFB have the right to chronically complain about our national office, particularly in the

presence of non-members, or belittle those members who support our leaders. We do not let our enemies get away with it; why should we stand by meekly and tolerate it from a member? Beyond this is the overall question again: What possible good could be accomplished by it? Do you believe that your sarcastic remarks and innuendos were of any help to our cause?

Jane, if you knew anything at all about our Jacksonville chapter, which you obviously do not, you might know that we would not only allow you to become a member, we would welcome you with all the hospitality and good will you received as a guest at our August meeting. Your statement about appealing to the national board would be humorous if it were not so tragic. We have a membership committee in our chapter that recruits members with the zeal of a Baptist visitation committee. It is not likely that we would not allow someone to join, since we need all the help we can get. If our chapter is not all you would wish it to be, then perhaps as a member you could help us achieve this.

There are some things, however, that you should know about our chapter if you choose to join. Most of our members are true Federationists, not just in an organizational sense, but as a way of life. We consider it a privilege to be members of the NFB, a privilege not to be taken lightly. We are loyal to our leaders and have a fierce pride in our accomplishments. We do not have any "dead wood" in our chapter. No matter what we may think of an individual socially, when he becomes a Federationist, we love and respect him as a friend. This is not to say that we do not have problems. We procrastinate, we argue, we make mistakes. But when the chips are down, we know that we can count on our chapter members to come through. I remember one cold day last winter, in the middle of a Florida thunderstorm, when with one day's notice, almost every member responded to a call to picket a workshop. We could have declined, since those people affected by this workshop were what *you* might call "dead

wood"; but we were there. And where were the people who label us a "dictatorship"? At home dreaming up more labels, I suppose.

There are those in our chapter who have sacrificed much to belong to the NFB—money or time or both. These people are proud of what they give. Their only regret is that they cannot give more. We were not coerced; no dictator took it from us. We did it because we are certain that the NFB is our answer to our future. Our chapter is not unique. There are hundreds like us "such as we are"—and you may call us naive or unsophisticated, but we are a movement and we are making a difference in your life.

Perhaps you believe that I have been too hard on you or that I have come on too strong, but it is difficult to be unemotional about something that has changed my whole outlook on life and restored my self-respect. I believe that Mr. Jernigan is one of the greatest men in the world today, and it is

with both pride and humility that I call him my leader and my friend. Although it was a very sad occasion when Mr. Jernigan resigned, I believe it is a sign of the strength of our movement that we had someone as capable as Ralph Sanders to turn to.

I feel that same kind of pride when I think of people all over this country, some I don't even know, who are sacrificing a great deal for our movement—so that you and I can have a better future. These people are not playing a game; they are serious and there is no room for sarcasm.

If you believe I have been harsh, it is because I believe you have been thoughtless. You are important, Jane; your actions reflect on all of us. Come on; don't stand on the sidelines and criticize. You have joined the organization; now join the movement.

Sincerely,

BETH.

□

A LETTER FROM A FEDERATIONIST

[Note: The following letter to Allen Harris, president of the NFB of Michigan, was written by a Federationist who is presently a prison inmate. We could provide the background to the letter, but for blind people who know well the problems this man is experiencing, no background is needed. His real problems do not have to do with the penal system; they are common to us all. Nor do we need to explain what "other group" of the blind the man's rehabilitation counselor suggested he join. His description is as clear a label as that group's name. Once again, we have an answer to the question, Why the National Federation of the Blind?]

DEAR MR. HARRIS: I would like to thank you for the attention you have given me and my situation. You, Sir, are a man of your word. I think I will sleep easier than I have in months because the Department of Corrections cannot stand any publicity in a derogatory manner; and upon receiving a copy of your letter, someone will be

assigned to put the matter in order. So therefore I think that someone will be called in to teach me the things I must know.

Mr. Harris, however my situation turns out, I would like to continue to take an active stand in the participation of the NFB. I know I have only been a Federationist for a short time, but for many years I have been a person that will not hesitate to admit it when I am wrong and will not back up an inch when I am right and know it. I feel it is very hard to beat a person when they are right.

I somehow feel that my rehab teacher will soon stop coming to visit me here. He finally explained to me that no appeal board in the state would rule in my favor and force him or any other mobility teacher to come into a prison and give any sort of instructions on any subject. I am not overly concerned with his loss, if it happens, because all he seems to really care to do is talk about irrelevant matters. But then it may

have been a bluff because he informed me some time ago that it would be of no help to me to join the NFB until I was released from prison, and suggested another group. I don't think they like blind people who talk back and ask embarrassing questions.

In closing, I would like to pledge one entire check from the Social Security Administration, because if it were not for the information I gathered from the *Braille Monitor*, I would also have accepted another

negative answer from them. Since I quoted the *Monitor* to them, they have reviewed my case and granted my disability. So to ensure its publication and hope that it will continue to do the job it is doing, I would like to donate the first monthly check. I do not even know how much I will receive at this time.

Sincerely,

[A FEDERATIONIST.]

□

RECIPE OF THE MONTH

by RUTH ANNE SCHAEFER

STRAWBERRY NUT BREAD

Ingredients

3 cups flour	2 packages (10 oz.) frozen strawberries
1 teaspoon baking soda	4 eggs
1 teaspoon salt	1-1/4 cups oil
2 teaspoons cinnamon	1-1/4 cups chopped nuts
2 cups sugar	

Mix together the flour, baking soda, salt, cinnamon, and sugar. Add the strawberries (undrained), eggs, and oil. Mix well with an electric mixer, then add the nuts. Turn the batter into two large loaf pans. Bake for 80 minutes at 350 degrees. Cool in the pans for ten minutes. □

MONITOR MINIATURES □□□□□□

□ On May 8th, Eric James Gashel was born in Washington, D.C. He is the son of Jim and Arlene Gashel. Jim, of course, is Chief of the NFB's Washington Office; and Arlene is treasurer of the NFB of the District of Columbia. Our congratulations to Eric's parents, and our best wishes to a healthy new Federationist.

□ There is a new NFB publication available for sale. It is the *National Federation of the Blind Cookbook*. The book contains all of the recipes that have appeared in the *Braille Monitor* as recipes of the month. There are 92 recipes, ranging from appetizers to desserts (particularly desserts), and they include such favorites as NFB Tea and Monster Cookies. The cookbook costs \$2 per copy. It is a good item to sell at information booths and other places where your custom-

ers are members of the general public. The introduction to the book includes the text of the pamphlet *What is the National Federation of the Blind*. Orders for the book should go to the National Office.

□ We have received word that Federationist Kathleen Kinsner died on March 17, 1978. She was an active member in Albuquerque, New Mexico, before moving to Atlanta, Georgia, several years ago, where she was instrumental in starting our Atlanta chapter. Shortly before her death, she was elected president of the chapter.

□ The NFB of West Virginia is holding its annual convention beginning the evening of August 18 and continuing until noon, Sunday, August 20, 1978. This convention is being hosted by the Huntington Chapter of the NFB of West Virginia as part of the chapter's 25th year celebration as an orga-

nization of the blind. The convention will be held at the Uptowner Inn, 1417 Fourth Avenue, Huntington, West Virginia 25701. Everyone is welcome.

□ The NFB of Illinois will celebrate a decade of progress September 8 to 10, 1978. The Chicago Chapter will host the tenth annual convention at the Sheraton-O'Hare Motor Hotel, 6810 North Mannheim Road in Rosemont—just three minutes from O'Hare International Airport. Room rates are \$22 singles, \$25 twins or doubles, and \$30 triples. The toll-free reservation number is 800-325-3535. Preregistration during August will be \$12; this may be sent to NFB president Allen Schaefer, Box 141, Mazon, Illinois 60444. Registration at the convention will be \$14.

□ On March 31, 1978, NFB of North Carolina president Hazel Staley formally organized the NFB of Johnston County, in Smithfield, North Carolina. This is the state's twelfth chapter. The chapter officers are Joyce Walters, president; Carolina Hubert, vice-president; Jo Anne Moore, secretary; Pink Robbins, treasurer; and Andrew Lee and Margaret Knight, board members. There were sixteen charter members, and six have been added since. The chapter is already involved in fundraising and publicity projects. We are happy to welcome these new Federationists into the movement.

□ Federationist E. Thibodeau informs us that he has a used Optacon for sale for about \$1,000. It is in good condition, the only drawback being that its warranty has expired. If you are interested, contact Mr.

Thibodeau at 1606 King Street, Apartment 12, Jacksonville, Florida 32204; phone at work—904-355-1436, and at home—904-387-4929.

□ NAC sends us the following notice, which we print without comment: "Louis H. Rives, Jr., president of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC), announced today that NAC's 1978 annual meetings will be held on November 4-5 in Chicago, Illinois. Both meetings—membership, November 4, and board of directors, November 5—will take place at the O'Hare Hilton, located at Chicago's O'Hare International Airport. Mr. Rives pointed out that these annual meetings are open to the public and he invited all interested persons to attend. Further information may be obtained from the National Accreditation Council, 79 Madison Avenue, New York, New York 10016."

□ Beginning in April 1978, St. Martin's Press will publish a new large-print Western every month. Each title will cost \$9.95. Further information, including a list of forthcoming titles and details about institutional discounts, can be obtained from Walter Weintz, St. Martin's Press, 175 Fifth Avenue, New York, New York 10010.

□ As usual, the last page of the inkprint edition of the *Monitor* contains tear-out cards to enroll in the PAC Plan or to become an NFB Associate. As this issue makes clear, we are moving forward rapidly as a movement and winning important victories. Be a part of this progress by contributing as much as you can and persuading your friends to do the same. □

ASSOCIATES PROGRAM of the NATIONAL FEDERATION OF THE BLIND

The National Federation of the Blind has chapters in all fifty states and in almost every local community in the nation. The Federation has more than 50,000 members and is working to help the blind have full and meaningful lives. It is not financed by the government but depends for support on contributions from its Members, its Friends, and **ASSOCIATES**.

I support the National Federation of the Blind and wish to make a tax-deductible contribution for the year _____ by participating in the **ASSOCIATES** Program as indicated:

- ☐ Associate – \$10 ☐ Sponsoring Associate – \$100
☐ Contributing Associate – \$25 ☐ Sustaining Associate – \$500
☐ Supporting Associate – \$50 ☐ Member of the President's Club – \$1,000

Name _____

Address _____

Telephone _____ Date _____

Local representative of the National Federation of the Blind: _____

This application (and accompanying check made payable to: National Federation of the Blind) should be sent to: Richard Edlund, Treasurer, National Federation of the Blind, Box 11185, Kansas City, Kansas 66111.

ASSOCIATES PROGRAM – RECEIPT

Received of _____ the amount of _____ dollars.

Date _____

Signature of local representative of the National Federation of the Blind

(All contributions to the National Federation of the Blind are tax-deductible.)

PRE-AUTHORIZED CHECK PLAN *(Instructions on back of the card)*

I hereby authorize the National Federation of the Blind to draw a check to its own order in the amount of \$ _____ on the _____ day of each month payable to its own order. This authorization will remain in effect until revoked by me in writing and until such notice is actually received.

x

Bank signature of donor (both signatures if two are necessary)

Address

We understand that your bank has agreed to cooperate in our pre-authorized check plan on behalf of your depositor. Attached is your client's signed authorization to honor such checks drawn by us.

Customer's account and your bank transit numbers will be MICR-printed on checks per usual specifications before they are deposited. Our Indemnification Agreement is on the reverse side of the signed authorization.

AUTHORIZATION TO HONOR CHECKS DRAWN BY NATIONAL FEDERATION OF THE BLIND

Name of depositor as shown on bank records _____ Acct. No. _____

Name of bank and branch, if any, and address of branch where account is maintained

For my benefit and convenience, I hereby request and authorize you to pay and charge to my account checks drawn on my account by the National Federation of the Blind to its own order. This authorization will remain in effect until revoked by me in writing, and until you actually receive such notice I agree that you shall be fully protected in honoring any such check. In consideration of your compliance with such request and authorization, I agree that your treatment of each check, and your rights in respect to it shall be the same as if it were signed personally by me and that if any such check be dishonored, whether with or without cause, you shall be under no liability whatsoever. The National Federation of the Blind is instructed to forward this authorization to you.

x

Bank signature of customer (both signatures if two are necessary)

Date _____

THE BRAILLE MONITOR
218 RANDOLPH HOTEL BLDG.
DES MOINES, IOWA 50309

ADDRESS CORRECTION REQUESTED

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